Reg. No. M. 1175.

The Mysore Gazette

Vol. 67.] PUBLISHED BY AUTHORITY. [No. 26

BANGALORE, THURSDAY, JUNE 30, 1932.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 7254—*Pol.* 30-31, *dated Bangalore,* 24—25*th June* 1932.

In exercise of the powers conferred by Section 12 of the Mysore Arms Regulation, Regulation VI of 1890, as amended from time to time, the Government of His Highness the Maharaja are pleased to make the following amendments in the rules issued with Notification No. P. 6713—Pol. 142-43, dated 30th June 1926, as amended from time to time :—

For paragraph I and II of Form IX Schedule IV, the following shall be substituted :—

Fee I.

(i)	For a breech-loading pistol or revolver ...	Ten rupees.
(ii)	For any other breech-loading weapon ...	Five rupees.
(iii)	For a muzzle-loading weapon with barrel not more than one foot in length ...	Eight annas.
	[illegible] any other muzzle-loading weapon ...	One rupee.

[illegible] tioned fees shall be payable in [illegible] rst time for periods of [illegible] ed for a

further period and unless the license is free of all fee, the following fees shall be payable in respect of each renewal for a period of one year or less :—

(i) For a breech-loading pistol or revolver ... Five rupees.
(ii) For any other breech-loading weapon ... Two rupees and eight annas.
(iii) For a muzzle-loading weapon with barrel not more than one foot in length ... Four annas.
(iv) For any other muzzle-loading weapon ... Eight annas.

Provided that in such cases application for renewal is made within one month from the date on which the license expires and if the application is not made within that period, the licensing authority may, in his discretion, levy fees at the original rate.

By Order,
N. MADHAVA RAO,
Chief Secretary to Government.

No. P. 7307—*Legis.* 41-31-23, *dated Bangalore,* 27—28*th June* 1932.

Under Sub-Rule (2) (*e*) of Rule 30 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time, Government are pleased to notify the motor vehicles plying for hire along the roads noted below as competing with the Railways in the State, for the purpose of levy of double the ordinary mileage rate contemplated in the said rule :—

1. Tiptur to Arsikere.
2. Shimoga-Kumsi-Arasalu.

Government are further pleased to direct that the fee for grant of permits in future for motor vehicles plying for hire on the following roads be levied at the rate prescribed in sub-rule (*a*) instead of sub-rule (*e*) of Rule 30 (2) of the said rules :—

(1) Chitaldrug-Davangere.
(2) Birur-Tarikere *via* Lingadahalli.
(3) Bhadravati-Channagiri.

The modification will take effect from 1st July 1932.

By O[illegible]

N[illegible]

Reg. No. M. 1175.

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EXTRAORDINARY

PUBLISHED BY AUTHORITY.

BANGALORE, WEDNESDAY, JUNE 8, 1932.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Rl. 5268—L. C. Camp Mysore, dated the 7th June 1932.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the imposition of a Tax on certain forms of Betting is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

Bill to provide for the imposition of a Tax on certain forms of Betting.

Whereas it is expedient to impose a tax on certain [illegible] Betting; It is hereby enacted as follows:— Preamble.

[illegible] Regulation may be called the Mysore [illegible] Short title, extent, and commencement.

(2) It extends to the whole of Mysore.

(3) It shall come into force in such local areas and from such dates as the Government may by Notification in the Official Gazette direct.

Definitions.

2. In this Regulation :—

(1) "backer" includes any person with whom a licensed bookmaker bets;

(2) "bet" includes "wager" and "betting" includes "wagering;"

(3) "licensed bookmaker" means any person who carries on the business or vocation of or acts as a bookmaker or turf commission agent under a license or permit issued by any racing club or by the stewards thereof to enable him to carry on his business or vocation under the provisions of the Mysore Police Regulation, 1908, as specified in the license or permit;

(4) "prescribed" means prescribed by this Regulation or the rules made thereunder;

(5) "racing club" includes a club, association, society or body of persons corporate or incorporate.

(*a*) formed for the purpose of promoting horse-racing or pony-racing or for holding race-meetings; or

(*b*) conducting or controlling such meetings;

(6) "totalisator" means a totalisator, in an enclosure which the stewards controlling a race meeting have set apart in accordance with the Mysore Police Regulation, 1908, and includes any instrument, machine, or contrivance known as the totalisator, or any other instrument, machine, or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on the like principles.

Tax on totalisators and payment thereof.

3. There shall as from 193 , be charged, levied and paid to the Government out of all moneys paid into any totalisator by way of stakes or bets, a tax on backers, hereinafter referred to as the totalisator tax, amounting to 6¼ *per cent* of every sum so paid; and 6¼ *per cent* of every sum so paid into a totalisator shall be deemed to have been paid by the backer on account of the totalisator tax, and shall be received by the stewards of the race-meeting on behalf of the Government.

Procedure for taking over totalisator tax to Government.

4. The stewards of a race-meeting sh[illegible] times and in such manner as may be pre[illegible] to the prescribed officer a retu[illegible] of the moneys paid in[illegible]

and shall at the prescribed time make over to the prescribed officer the amount of the tax for that meeting.

Accounts of totalisator tax.

5. (1) The stewards of a race-meeting shall keep accounts in the prescribed form of all moneys paid into the totalisator at that meeting.

(2) Every person having the custody of any such accounts shall, when required by an officer empowered in this behalf by the Government, permit such officer, or an officer authorised in writing by him in this behalf, to inspect and take copies of them.

Betting tax.

6. (1) There shall as from the.....193...., be charged, levied and paid to the Government out of all moneys paid or agreed to be paid by a licensed bookmaker to a backer in consequence of the winning by the backer of a bet made in an enclosure set apart under the provisions of the Mysore Police Regulation, 1908, on any race, a tax on backers, hereinafter referred to as the betting tax, amounting to $6\frac{1}{4}$ *per cent* of all such moneys.

(2) The betting tax shall be deducted or collected by the licensed bookmaker from such moneys at the time when the money is paid to the backer, or in the case of credit bets at such time as may be prescribed, and shall be deemed to have been paid by the backer on account of the tax, and shall be retained by the licensed bookmaker on behalf of the Government.

Procedure fo making over betting tax t Government

7. All sums retained on account of the betting tax shall be made over by the licensed bookmaker, by whom they have been retained, to the prescribed officer at such times and in such manner as may be prescribed.

Accounts of betting tax.

8. (1) The stewards of a race-meeting shall, at such times and in such manner as may be prescribed, forward to the prescribed officer, returns setting out the names of the bookmakers, licensed or permitted by them to carry on the business or vocation of a bookmaker at that meeting.

(2) All licensed bookmakers shall keep accounts of all sums paid or agreed to be paid by them to backers in satisfaction of bets, in such manner as may be prescribed, and shall, when required in writing by an officer empowered in this behalf by the Government, permit such officer, or an officer authorised in writing by him in this behalf, [illegible] inspect and take copies of such accounts.

Methods of recovery of totalisator t and betting tax.

[illegible] the totalisator tax payable under section 3 [illegible] demand from the racing [illegible] any portion of such tax

which is not so recovered shall also be recoverable as a revenue demand from the stewards of the race-meeting jointly and severally.

(2) All moneys which a licensed bookmaker is liable to make over to the prescribed officer under section 8 shall be recoverable from the licensed bookmaker as a revenue demand.

ules.

10. The Government may make rules for securing the payment of the totalisator tax and the betting tax, the production and inspection of accounts kept under this Regulation and generally for carrying into effect the provisions of this Regulation, and for dealing with such matters as are therein directed to be prescribed.

mendment Section 4 of e Mysore olice Regu- tion, 1908. Gaming.'

11. In section 4 Clause (2) of the Mysore Police Regulation, 1908 hereinafter referred as the said Regulation before the definition of "Common gaming house," the following definitions shall be inserted, *viz.*, :—

(1) "Gaming" does not include a lottery but includes wagering or betting on a horse race except when such wagering or betting takes place.—

(i) on the date on which such race is to be run; and

(ii) in a place or places within the race enclosure which the authority controlling such race has with the sanction of the Government set apart for the purpose.

nstruments gaming."

(2) 'Instruments of gaming' include an article used as a subject, or means of, or for the purpose of carrying on or facilitating, or in connection with gaming and any books lists, tickets, forms or other documents used or intended to be used as a register or record or evidence of gaming.

12. In section 63 of the said Regulation sub-sections (1) and (2) shall be renumbered as (3) and (4) and the following shall be added as sub-sections (1) and (2) namely :—

"(1) Whoever opens, keeps or uses, or permits to be opened, kept or used any enclosure, room or place for the purpose of gaming on a horse-race, shall be liable, on conviction, to imprisonment not exceeding three months or for every day on which such enclosure, room or opened, kept or used, to a fine not rupees or both.

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"(2) Whoever is found gaming on a horse-race shall be liable, on conviction, notwithstanding any provision to the contrary in this Regulation to a fine not exceeding five-hundred rupees or to imprisonment not exceeding one month."

13. In *Explanation* 2 of Section 63 of the said Regulation after the word "wager" the word "bet" shall be inserted.

Amendment of Section 63 of the Mysore Police Regulation, 1908.

STATEMENT OF OBJECTS AND REASONS.

In England and in some Provinces in India, a tax on betting on horse races is levied as a source of revenue. It is considered expedient to take power, by means of legislation, to levy a tax on betting in Mysore on the lines of the law in Bengal.

The main features of the proposed legislation are as follows :—

Betting on a horse race with a licensed book-maker or at the totalisator in a race enclosure on a racing day is legalised. A tax at 6¼ per cent on all moneys paid into the totalisator and on all moneys paid or agreed to be paid by a licensed book-maker to a backer is provided. The stewards of a race-meeting are required to keep accounts, in the prescribed forms, of all moneys paid into the totalisator, and licensed book-makers are similarly required to keep accounts of all sums paid or agreed to be paid by them.

Provision is made for the recovery of the tax from the stewards of the race meeting or the licensed book-makers as a revenue demand.

There is no provision in the Police Regulation under which action could be taken to prevent betting generally attended with fraud which takes place in connection with horse races at what are popularly known as bucket shops.

It is proposed to amend the Police Regulation so as to make it possible to suppress these bucket shops. The definition of gaming is to be enlarged so as to include wagering or betting on a horse race except when such wagering or betting takes place on a racing day and in a

place or places within the race enclosure which the authority controlling such a race has set apart for the purpose. Gaming on horse races as thus defined, and the maintenance of places for the purpose of such gaming are to be made punishable with fine not exceeding five hundred rupees or imprisonment not exceeding one month.

No. Rl. 5269—L. C. Camp Mysore, dated the 7th June 1932.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to impose a Tax on Entertainments and other Amusements is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill to impose a Tax on Entertainments and other Amusements.

Preamble.

Whereas it is expedient to make an addition to the public revenue and the revenue of the local authorities in Mysore and for that purpose to impose a tax on Amusements and other Entertainments; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Amusements Tax Regulation, 193 .

(2) It extends to the whole of Mysore.

(3) It shall come into force in such local areas and from such dates as Government may by notification in the *Official Gazette* direct.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "admission" includes admission as a spectator or as one of an audience, and admission for the purpose of amusement by taking part in an entertainment;

(2) "admission to an entertainment" includes admission to any place in which the entertainment is held;

(3) "agriculture" includes horticulture and live-stock breeding;

(4) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment;

(5) "live-stock" includes animals of every description;

(6) "local authority" means a municipal council or a local board constituted under any enactment for the time being in force;

(7) "notification" means a notification published in the *Official Gazette*;

(8) "payment for admission" includes any payment made by a person who having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving a tax or a higher rate of tax is required, and any payment for seats or other accommodation in a place of entertainment;

(9) "proprietor" in relation to any entertainment includes any person responsible for the management thereof; and

(10) "society" includes a company, institution, club or other association of persons by whatever name called.

Tax on payments for admission to entertainments.

3. (1) Except as otherwise expressly provided in this Regulation there shall as from the first day of 193 , be charged, levied, and paid to the Government a tax, hereinafter referred to as the entertainments tax, at the rate of twenty-five per centum on all payments for admission to any entertainment.

(2) The entertainments tax shall not be leviable where the payment for admission is not more than eight annas.

(3) The rate of the entertainments tax in the case of payments for admission to any theatre, cinematograph exhibition, or circus or any class of entertainment to which the Government may apply this sub-section on the ground that the rates specified in sub-section (1) would impose an

undue burden on the industry involved, shall be as follows, namely :—

Where the payment excluding the amount of tax—

(i)	is more than eight annas but is less than twelve annas ...	one anna
(ii)	is twelve annas or more but is less than one rupee eight annas ...	two annas
(iii)	is one rupee eight annas or more but is less than two rupees eight annas ..	four annas
(iv)	is two rupees eight annas or more but is less than three rupees eight annas ...	eight annas
(v)	is three rupees eight annas or more but is less than four rupees eight annas ..	twelve annas
(vi)	is four rupees eight annas or more but is less than six rupees eight annas ...	one rupee
(vii)	is six rupees eight annas or more but is less than nine rupees eight annas ..	one rupee eight annas
(viii)	is nine rupees eight annas or more but is not more than ten rupees ...	two rupees
(ix)	is more than ten rupees, for the first ten rupees and for every ten rupees or part of ten rupees over ten rupees ..	two rupees

(4) The Government may, on the application of a proprietor of any entertainment in respect of which the entertainments tax is payable under sub-section (1), allow the proprietor on such conditions as they may prescribe to pay the amount of the tax due by means of a consolidated payment of twenty per centum of the gross sum received by the proprietor on account of payments for admission to the entertainment and on account of the tax.

(5) The entertainments tax, in the case of theatres, cinematograph exhibitions and circuses and any other class of entertainment which the Government may direct, shall be charged, levied and paid with effect from the first of 193

Admission to entertainments.

4. No person shall be admitted for payment to any entertainment where the payment is subject to the entertainments tax, except—

(*a*) with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by the Government for the purpose of revenue and denoting that the proper entertainments tax has been paid,

(*b*) in special cases, with the approval of the Government, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted,

unless the proprietor of the entertainment has made arrangements approved by the Government for furnishing returns of the payments for admission to the entertainments and has given security up to an amount and in a manner approved by the Government for the payment of the entertainments tax.

Penalty for non-payment of tax.

5. If any person is admitted for payment to any place of entertainment and the provisions of section 4 are not complied with, the proprietor of the entertainment to which such person is admitted shall, on conviction before a Magistrate, be liable in respect of each such offence to a fine not exceeding five hundred rupees, and shall, in addition, be liable to pay any tax which should have been paid.

Sections 4 and 5 not to apply in certain cases.

6. The provisions of sections 4 and 5 shall not apply to any entertainment in respect of which a consolidated payment is made under section 3, sub-section (4).

Manner of payment.

7. (1) The entertainments tax shall be charged in respect of each person admitted for payment, and, in the case of admission by stamped ticket, shall be paid by means of the stamp on the ticket and, in the case of admission otherwise than by stamped ticket, shall be calculated and paid on the number of admissions.

(2) The entertainments tax, in the case of admission otherwise than by stamped ticket, shall be recoverable from the proprietor.

(3) Where the payment for admission to an entertainment is made by means of a lumpsum paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, or for any privilege, right, facility or thing combined with the right of admission to any entertainment, or involving such right of admission without further payment or at a reduced charge, the entertainments tax shall be paid on the amount of lumpsum, but where the Government are of opinion that the payment of a lumpsum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to any entertainment, or covers admission to an entertainment during any period for which the tax has not been in

operation, the tax shall be charged on such an amount as appears to the Government to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

Exemptions.

8. (1) The entertainments tax shall not be charged on payments for admission to any entertainment where the Government are satisfied:—

(*a*) that the whole of the takings thereof are devoted to philanthropic, religious or charitable purposes without any charge on the takings for any expenses of the entertainments; or

(*b*) that the entertainment is of a wholly educational character (any question on that point to be determined in the case of difference by the Government); or

(*c*) that the entertainment is provided for partly educational or partly scientific purposes by a society, not conducted or established for profit; or

(*d*) that the entertainment is provided by a society which is established solely for the purpose of promoting the interest of the industry of agriculture, or the manufacturing industry, or some branch thereof, or the public health and which is not conducted for profit, and consists solely of an exhibition of the products of the industry, or branch thereof, for promoting the interests of which the society exists or of materials, machinery, appliances, or foodstuffs, used in the production of those products, or of articles which are of material interest in connection with the questions relating to the public health, as the case may be.

(2) The Government may, by general or special order, exempt any entertainment or class of entertainments from liability to the entertainments tax.

Refunds in certain circumstances.

9. Where the Government are satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic, religious or charitable purposes, and that in calculating the net proceeds not more than twenty-five per cent of the gross proceeds have been deducted on account of the expenses of the entertainment, they shall repay to the proprietor the amount of the entertainments tax paid in respect of the entertainment.

Recoveries.

10. (1) Any sum due on account of the entertainments tax shall be recoverable by the Government as a revenue demand.

(2) Any fine imposed under this Regulation shall be recovered in the manner provided in the Code of Criminal Procedure, 1904, for the recovery of fines.

11. (1) Any officer authorised by the Government for the purpose may enter any place of entertainment while the entertainment is proceeding and any place ordinarily used as a place of entertainment at any reasonable time, with a view to seeing whether the provisions of this Regulation or any rules made thereunder are being complied with. Inspection.

(2) If any person prevents or obstructs the entry of any officer so authorised, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction before a Magistrate to a fine not exceeding two hundred rupees.

(3) Every officer authorised under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

12. (1) The Government may make rules for securing the payment of the entertainments tax and generally for carrying into effect the provisions of this Regulation and in particular— Rules.

(*a*) for the supply and use of stamps or stamped tickets, or for the stamping of tickets sent to be stamped; and for securing the defacement of stamps when used;

(*b*) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon; and for the payment of the tax on the transfer from one part of a place of entertainment to another and on payments for seats or other accommodation;

(*c*) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount), and for securing proper records of admission by means of barriers or mechanical contrivances;

(*d*) for the checking of admissions, the keeping of accounts and the furnishing of the returns by the proprietors of entertainments to which the provisions of section 3, sub-section (4), are applied or in respect of which the arrangements approved by the Government for furnishing returns are made under section 4;

(*e*) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for

refund under this Regulation or under the rules made thereunder;

(f) for the keeping of accounts of all stamps used under this Regulation; and

(g) for the presentation and disposal of applications for exemption from payment of the entertainments tax, or for the refund thereof, made under the provisions of this Regulation.

(2) If any person acts in contravention of, or fails to comply with, any such rules, he shall, on conviction before a Magistrate, be liable in respect of each offence to a fine not exceeding five hundred rupees.

Power of Government to delegate certain powers.

13. The Government may, by notification in the *Official Gazette*, delegate all or any of their powers under this Regulation, except those conferred upon them by sub-section (4) of section 1, by section 12, and by this section, to any person or to any authority subordinate to the Government.

14. Government may apportion the proceeds of the entertainments tax in any local area between the local authorities and itself in such a proportion as it may determine by general or special orders or by rules made in this behalf.

STATEMENT OF OBJECTS AND REASONS.

In some countries, a tax on entertainments is levied to augment the public revenues or the revenues of the local bodies. In the Provinces of British India where the tax is levied, its proceeds are, in some instances, credited to Provincial Revenues while in the Madras Presidency they go to the benefit of the local bodies.

The Indian Taxation Enquiry Committee of 1924-25 recommended the extension of the imposition of a tax on entertainments and giving local bodies a substantial share of the proceeds.

The Mysore Taxation Enquiry Committee considered the levy of a similar tax in Mysore as a desirable measure for improving local finance. The Bangalore City Municipality also urged the necessity for the levy of such a tax. It is considered expedient to take power by means of legislation to levy this tax on certain classes of entertainments.

In the Bill to be introduced it is proposed that while

the Government should take power to levy and collect this tax, it should arrange to make over a fair portion of the proceeds towards the revenues of local bodies.

The following are the main features of the Bill --

It provides for the levy of a tax payable to Government at the rate of twenty-five per cent on all payments for admission to entertainments. It is provided that the tax is not leviable where the payment for admission is not more than eight annas.

In respect of special classes of entertainments for which the rate specified above would impose an undue burden on the industry, a lower rate of tax may be levied. The method of admission of persons to places of entertainments and the manner of payment of the tax are laid down. Non-compliance with these provisions is made an offence and the proprietor of the entertainment guilty of such offence is made liable to a fine not exceeding Rs. 500.

Entertainments which are of an educational or scientific character or, which are organised for the purpose of promoting the interests of agriculture, industry or public health are exempted from the tax. A similar exemption is allowed in the case of entertainments the proceeds of which are devoted to a philanthropic, religious or charitable purpose.

Under the proposed Regulation, the Government have power to delegate certain powers to other persons or to any subordinate authority and also to contribute as much portion of the collections as they deem fit for the use of the local bodies.

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NOTIFICATION.

No. Kl. 5270 *L. C. dated Camp, Mysore, the 7th June* 1932.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Code of Criminal Procedure, 1904, is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

Bill further to amend the Code of Criminal Procedure, 1904.

Whereas it is expedient to further amend the Code of Criminal Procedure, 1904; It is hereby enacted as follows:—

Addition of a new Section 58-A.

After section 58 of the Code of Criminal Procedure, 1904, the following new section shall be inserted as section 58-A.

Pursuit and arrest in Mysore of persons accused of offences committed elsewhere.

"58-A (1) When a person accused of having committed in British India, an offence which, if committed in Mysore, would be punishable under any of the following sections of the Indian Penal Code as in force in Mysore, namely, Sections 300, 302, 303, 304, 307, 308, 311, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401 and 402 enters Mysore with members of the Police Force of British India in pursuit, the pursuing party may subject to the provisions hereinafter contained, continue the pursuit into, and arrest the fugitive in Mysore."

"(2) The authorisation conferred by sub-section (1) shall not be operative unless

(*a*) the pursuing party includes at least one officer holding in the British Indian Police Force a rank not lower than the rank corresponding with that of a Jamadar of the Mysore Police and

Regulation nor is it a local authority within the definition in Section 3, Clause (20) of the General Clauses Regulation. Consequently, the provisions of the Mysore Land Acquisition Regulation cannot be put into operation for the acquisition of lands for and on behalf of Co-operative Societies. The amendment proposed in the annexed Bill is intended to remedy this. Such an amendment has been made in the Land Acquisition Act in British India by Act XVII of 1919.

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NOTIFICATION.

No. Rl. 5272—L. C., Dated Camp Mysore, the 7th June 1932.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Limitation Regulation, 1911 is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore Limitation Regulation, 1911.

Whereas it is expedient further to amend the Mysore Limitation Regulation, 1911, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (i) This Regulation may be called the Mysore Limitation (Amendment) Regulation, 193 .

(ii) It shall come into force on the first day of 193 .

Amendment of Article 5 of First Schedule.

2. In the First Division of the First Schedule to the Mysore Limitation Regulation, 1911, (hereinafter referred to as the said Regulation).

(*a*) after Article 3 the heading "*Part IV—One year*" shall be inserted ;

(*b*) In Article 5.

(i) to the entry in the first column the following shall be added, namely :—

"where the provision of such summary procedure does not exclude the ordinary procedure in such suits and under Order XXXVII of the said Code;"

(ii) for the entry in the second column the entry "One year" shall be substituted ; and

(*c*) the heading "*Part IV—One year*" after Article 5 shall be omitted.

3. In the Third Division of the First Schedule to the said Regulation, in the entry in the first column of Article 159, after the figures and letter "128 (2) (f)" the words and figures "or under Order XXXVII" shall be inserted.

Amendment of Article 159 of the First Schedule.

STATEMENT OF OBJECTS AND REASONS.

Article 5 of the First Schedule to the Mysore Limitation Regulation, 1911, provides a period of limitation of six months for a suit under the summary procedure referred to in section 128 (2) (f) of Civil Procedure Code from the date on which the debt or liquidated demand becomes payable or when the property becomes recoverable. As the Article stood in the Act of 1877, it referred to suits on negotiable instruments under Chapter 39 of the Code of Civil Procedure, 1884. In the Code of 1911, powers were given in section 128 (2) (f) to the High Court to extend the summary procedure and a reference to that section was substituted for Chapter 39 of the Civil Procedure Code when the Limitation Regulation was consolidated in 1911. The fact that the provisions of Chapter 39 of the Code were also retained in Order XXXVII of the new Code of Civil Procedure seems to have been overlooked. Accordingly if Article 5 is strictly construed it applies now only to suits under the summary procedure made by rules under section 128 (2) (f) of the Code since the Code was enacted. The Bill proposes to make the intention clear and to make a similar consequential change in Article 159 of the same Schedule.

The Bill further proposes to extend the period of limitation now fixed in Article 5 for suits to which the summary procedure applies from six months to one year, as the existing period has been represented to be too short. This special period of limitation in Article 5 will, however, only apply so long as it is open, as at present, to a plaintiff to proceed by means of the ordinary procedure as well as by the summary procedure.

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NOTIFICATION.

No. Rl. 5273—L. C., dated Camp Mysore, the 7th June 1932.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore University Regulation is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill to amend the Mysore University Regulation.

Preamble.

Whereas it is expedient to amend and consolidate the provisions of the Mysore University Regulation, V of 1916, as amended from time to time; It is hereby enacted as follows:—

Short Title.

1. This Regulation may be called the Mysore University Regulation, 193....

Commencement.

2. It shall come into force at once.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context,—

"Council" means the University Council;

"The Constituent Colleges" mean, the Maharaja's College, the Central College, the Engineering College and the Medical College;

"University Professor" means a University Professor appointed as such by the Government.

THE UNIVERSITY.

Incorporation.

4. (1) The persons who have been specified in this behalf by notification of the Government published in the *Official Gazette* as the Vice-Chancellor and Members of

the Senate and of the Council and all persons who may hereafter become or be appointed as Vice-Chancellor and Members of the Senate and of the Council and of the Academic Council as hereinafter constituted so long as they continue to hold such office or membership shall be a body corporate by the name of the University of Mysore.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name first aforesaid.

(3) The University shall be deemed to be incorporated for the purposes, among others, of making provision for imparting education, literary, scientific, and artistic as well as agricultural, technical, commercial and professional, of furthering original research, of promoting the study of literature, science, art, philosophy, history, medicine and other branches of useful knowledge and of imparting physical and moral training.

5. The University shall have power—

Power to provide for instruction, to grant degrees, etc.

(*a*) to provide for instruction in such branches of learning as the University may decide and also for research and for the advancement and dissemination of knowledge,

(*b*) to grant and confer degrees and other academic distinctions to and on persons who shall have pursued a prescribed course of study in the University and shall have passed the examinations held by the University,

(*c*) to grant diplomas, certificates or other distinctions to persons who have pursued a course of study under conditions approved by the University,

(*d*) to confer honorary degrees or other distinctions,

(*e*) to withdraw or cancel degrees, diplomas, certificates or other distinctions granted or conferred, and

(*f*) to do all such other acts and things as may be required in order to further the objects of the University as a teaching and examining body.

Power to hold and to dispose of property.

6. The University shall be able and capable in law to take, purchase and hold any property, movable or immoveable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise; and shall be able and capable in law to grant, demise, alien or otherwise dispose of, all or any of the property movable or immoveable, belonging to

the University; and also to do all other acts incidental or appertaining to a body corporate.

THE CHANCELLOR.

hancellor.

7. (1) His Highness the Maharaja of Mysore shall be the Chancellor and the highest controlling authority of the University.

(2) The Chancellor may at any time direct an inspection of the University Institutions, including buildings, laboratories and other appurtenances, generally and for the purpose of seeing that the proceedings of the University are in conformity with the Regulation, the Statutes and the Ordinances.

(3) The Chancellor may, by order in writing, annul any proceeding which is not, in his opinion, in conformity with the Regulation, the Statutes or the Ordinances:

Provided that, before making any such order, he may call upon the University to show cause why such an order should not be made, and if any cause is shown within reasonable time, may consider the same.

THE PRO-CHANCELLOR.

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hancellor.

8. The Chancellor may at any time appoint a Pro-Chancellor to exercise such powers and functions of the Chancellor as may be delegated to him by the Chancellor. The Pro-Chancellor shall, in all public functions connected with the University, take rank and precedence immediately after the Chancellor.

OFFICERS.

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ellor.

9. The officers of the University shall include—

(*a*) the Vice-Chancellor,

(*b*) the Registrar,

(*c*) such other officers as may be provided for by the Statutes.

10. (1) The Vice-Chancellor shall be appointed by, and shall hold office during the pleasure of, the Chancellor.

(2) The Vice-Chancellor shall take rank in the University next to the Pro-Chancellor and shall be

the Senate and of the Council and all persons who may hereafter become or be appointed as Vice-Chancellor and Members of the Senate and of the Council and of the Academic Council as hereinafter constituted so long as they continue to hold such office or membership shall be a body corporate by the name of the University of Mysore.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name first aforesaid.

(3) The University shall be deemed to be incorporated for the purposes, among others, of making provision for imparting education, literary, scientific, and artistic as well as agricultural, technical, commercial and professional, of furthering original research, of promoting the study of literature, science, art, philosophy, history, medicine and other branches of useful knowledge and of imparting physical and moral training.

5. The University shall have power—

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(*a*) to provide for instruction in such branches of learning as the University may decide and also for research and for the advancement and dissemination of knowledge,

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(*c*) to grant diplomas, certificates or other distinctions to persons who have pursued a course of study under conditions approved by the University,

(*d*) to confer honorary degrees or other distinctions,

(*e*) to withdraw or cancel degrees, diplomas, certificates or other distinctions granted or conferred, and

(*f*) to do all such other acts and things as may be required in order to further the objects of the University as a teaching and examining body.

6. The University shall be able and capable in law to take, purchase and hold any property, movable or immoveable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise; and shall be able and capable in law to grant, demise, alien or otherwise dispose of, all or any of the property movable or immoveable, belonging to

Power to hold and to dispose of property.

the University; and also to do all other acts incidental or appertaining to a body corporate.

THE CHANCELLOR.

Chancellor.

7. (1) His Highness the Maharaja of Mysore shall be the Chancellor and the highest controlling authority of the University.

(2) The Chancellor may at any time direct an inspection of the University Institutions, including buildings, laboratories and other appurtenances, generally and for the purpose of seeing that the proceedings of the University are in conformity with the Regulation, the Statutes and the Ordinances.

(3) The Chancellor may, by order in writing, annul any proceeding which is not, in his opinion, in conformity with the Regulation, the Statutes or the Ordinances:

Provided that, before making any such order, he may call upon the University to show cause why such an order should not be made, and if any cause is shown within reasonable time, may consider the same.

THE PRO-CHANCELLOR.

Pro-Chancellor.

8. The Chancellor may at any time appoint a Pro-Chancellor to exercise such powers and functions of the Chancellor as may be delegated to him by the Chancellor. The Pro-Chancellor shall, in all public functions connected with the University, take rank and precedence immediately after the Chancellor.

OFFICERS.

Vice-Chancellor.

9. The officers of the University shall include—

(*a*) the Vice-Chancellor,

(*b*) the Registrar,

(*c*) such other officers as may be provided for by the Statutes.

10. (1) The Vice-Chancellor shall be appointed by, and shall hold office, during the pleasure of, the Chancellor.

(2) The Vice-Chancellor shall take rank in the University next to the Pro-Chancellor and shall be

ex-officio Chairman of the Senate, of the Council and of the Academic Council and of any committees appointed by the University of which he is a member. He shall be the principal executive Officer of the Senate, of the Council and of the Academic Council. He shall, in the absence of the Chancellor and of the Pro-Chancellor, preside over the convocation and confer degrees.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Regulation, the Statutes and the Ordinances are observed and carried out and he may exercise all powers necessary for this purpose.

(4) The Vice-Chancellor may, with the sanction of the Government, take action in any emergency which in his opinion calls for immediate action. He shall, in such a case, and as soon as may be thereafter, report his action to the authority which would ordinarily have dealt with the matter.

(5) The Vice-Chancellor shall perform such functions and exercise such other powers as may be defined in the Statutes and in the Ordinances.

Registrar.

11. The Registrar shall be appointed by the Government on the recommendation of the Council. He shall be the custodian of the records and of the common seal of the University on behalf of the Council. He shall act as Secretary to the Senate, to the Council and to the Academic Council and shall perform such other duties and under such conditions as may be prescribed by the Statutes or required, from time to time, by the Council.

AUTHORITIES.

Authorities.

12. The authorities of the University shall include :—

(a) the Senate,
(b) the Council,
(c) the Academic Council,
(d) the Faculties, and
(e) such other authorities as may be provided for in the Statutes.

THE SENATE.

Constitution.

13. (1) The Senate shall consist of—

The Vice-Chancellor, and the other members of the Council mentioned in section 14,

The Registrar,
The Deans of the Faculties,
The University Professors,
Eight members elected by the outgoing Senate from among its members,
Four members elected by the Academic Council from among its members,
Six members elected by registered graduates from among themselves,
Four members elected by and from the Legislative Council,
Eight members elected by and from the Representative Assembly,
and remaining members to a total membership not exceeding 75 nominated by the Chancellor; provided that the Senate shall also include one representative each of such Municipalities and District Boards as contribute a sum of not less than Rs. 2,000 per annum to the University Fund for the general purposes of the University for a period of not less than five years, so long as the contributions continue.

(2) The election of members of the Senate shall be subject to the approval of the Chancellor.

(3) The Chancellor may, on the representation of the Senate, cancel the appointment of any person as a member of the Senate, and as soon as such order is notified in the *Official Gazette* the said person shall cease to be a member of the Senate.

(4) The Senate shall be reconstituted every three years.

(5) A member of the Senate shall hold his seat until the next reconstitution of the Senate or of the body he represents thereon, whichever takes place earlier.

(6) The Senate may institute and confer such degrees and grant such diplomas, licences, certificates and other distinctions under such conditions as may be prescribed by the Statutes and the Ordinances.

(7) The Senate shall have power to make, amend or repeal Statutes, either of its own motion or on the motion of the Council and to consider or cancel Ordinances under conditions laid down by the Statutes.

(8) The Senate shall review an annual report and the annual accounts of the University and shall consider the Budget according to the provisions of the Statutes.

(9) The Senate shall have power to co-operate with other Universities and authorities.

(10) The Senate shall discharge such other functions as may be assigned to it by the Regulation and the Statutes.

THE COUNCIL.

Council Function and powers.

14. (1) The Executive Government of the University including the general superintendence and control over the institutions of the University, shall be vested in the Council; provided that the Government may by rules framed in this behalf from time to time reserve to themselves such powers relating to the appointment, punishment, removal and leave of the officers mentioned in section 26 as they may deem fit.

Constitution.

(2) The Council shall consist of 15 and shall include—

The Vice-Chancellor,

The Director of Public Instruction in Mysore,

The Principals of the constituent Colleges and the Superintendent of the Maharani's College, Mysore,

Three members elected from and by the Senate,

Two members elected from and by the Academic Council,

Three members nominated by the Chancellor.

(3) The Council shall be reconstituted every three years, after the reconstitution of the Senate; it shall continue to function until it is reconstituted.

(4) The Council shall have power—

(*a*) to propose Statutes for the consideration of the Senate, and

(*b*) to make Ordinances subject to the sanction of Government provided that ordinances relating to academic matters shall not be considered by the Council except on the initiative of the academic council and that after consideration of Academic Ordinances drafted and recommended by the Academic Council, the Council shall have power to assent to, withhold assent from, to reject or to remit for further consideration by the Academic Council, such Academic Ordinances but not to modify them.

(5) The Council shall hold, control and administer the property of the University.

(6) The Council shall have direct the use of the common seal of the University.

(7) The Council shall have power to accept donations and transfers of any movable or immovable property on behalf of the University.

(8) The Council shall be responsible for the maintenance of discipline in the University.

(9) The Council shall exercise such other powers and perform such other functions as may be prescribed by the Regulation, the Statutes or the Ordinances

ACADEMIC COUNCIL.

Academic Council.

15. (1) The Academic Council shall be the academic authority in the University and shall, subject to the provisions of the Regulation, the Statutes and the Ordinances, be responsible for maintaining the standard of teaching and examination in the University.

(2) The Academic Council shall consist of—

The Vice-Chancellor,
The Director of Public Instruction in Mysore,
The Registrar,
The Principals of the Constituent Colleges,
The Superintendent of the Maharani's College, Mysore,
University Professors, Professors and Assistant Professors who are in full charge of subjects,
The Superintendents of Intermediate Colleges,
The University Librarian,
The Deans of Faculties,
Five members elected by and from the Senate,
Five members nominated by the Government.

(3) The Academic Council shall be reconstituted every three years, after the reconstitution of the Senate; it shall continue to function until it is reconstituted.

(4) The Academic Council shall have power to propose Ordinances relating to academic matters for the consideration of the University Council and to make bye-laws regarding courses, examinations and other academic matters assigned to it by the Regulation, the Statutes and the Ordinances.

(5) It shall be a function of the Academic Council to promote research within the University.

THE FACULTIES.

16. (1) The University shall include Faculties of Arts, Science, Engineering and Technology, Medicine and such other Faculties as may from time to time be constituted by the Statutes. Faculties.

(2) The Faculties shall be constituted every three years from among the members of the Academic Council, each member of which body shall be assigned by that body to one or more Faculties. Constitution.

(3) In addition to the members of the Academic Council assigned to the Faculties, the Academic Council shall appoint three teachers to each Faculty: and the Faculty so constituted shall have power to co-opt not more than three persons as members of the Faculty on the ground of their expert knowledge of subjects coming within the purview of the Faculty.

(4) Each Faculty shall act generally in an advisory capacity to the Academic Council in academic matters falling within its purview. Function.

(5) The Faculties shall perform such other functions as may be prescribed by the Regulation, the Statutes and the Ordinances.

(6) Each Faculty shall elect a Dean of that Faculty who shall preside as Chairman at meetings of the Faculty and shall perform such other functions and duties as may be prescribed by the Regulation, the Statutes and the Ordinances. Dean.

THE UNIVERSITY INSTITUTIONS.

17. Colleges, Schools and other Institutions for study and research shall be maintained by the University according to the provisions of the Statutes. Institutions.

FINANCE AND CONTROL.

18. (1) All grants made by the Government from time to time and all sums paid or endowments made by private persons or local authorities for the purposes of the University, together with all fees received and rents and profits and other income derived from the property and funds vested in the University shall form a fund styled the University Fund which shall be at the disposal of the University to be employed for any of the purposes mentioned in this Regulation or in the Statutes or Ordinances. University fund.

(2) The University Fund shall be managed according to rules laid down in that behalf in the Statutes.

Powers of Government.

19. If at any time the Government are of opinion that in any matter the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Regulation and the Statutes and the Ordinances framed thereunder, or that special measures are desirable to maintain the standard of University teaching or examination, they may indicate to the Council any matter in regard to which they desire an explanation and call upon that body to offer such explanation as they desire to offer within such time as may be prescribed. If the Council fail to offer any explanation within the time prescribed or offer an explanation which in the opinion of the Government is unsatisfactory, the Government may issue such instructions as appear to them to be necessary and desirable in the circumstances of the case and may exercise such powers as may be necessary for giving effect to those instructions.

THE STATUTES.

Statutes.

20. Subject to the provisions of this Regulation, the Statutes may provide for all or any of the following matters:—

(*a*) the powers and duties of the officers of the University other than the Chancellor and the Pro-Chancellor, in so far as these are not defined in the Regulation,

(*b*) the constitution, powers and duties of the authorities of the University in so far as these are not defined in the Regulation,

(*c*) the procedure to be followed in the matter of the nomination, the election and the continuance in office of members of the University authorities and the filling up of vacancies among members, in so far as these matters are not prescribed in the Regulation; and all other matters relating to these bodies which it may be necessary or desirable to provide,

(*d*) the degrees, diplomas, licences, certificates and other academic distinctions to be awarded by the University,

(*e*) the withdrawal or cancellation of degrees, diplomas, licences, certificates and other academic distinctions,

(*f*) all such other subjects as are required or authorised by the Regulation to be prescribed by means of Statutes.

21. Statutes shall be made, amended or repealed by the Senate either on its own motion or on the motion of the University Council.

All proposals by the Senate to make, amend or repeal Statutes shall be submitted to the Government for assent, with the opinion of the University Council and, where necessary, of the Academic Council, which shall have been already submitted to the Senate; and it shall be open to Government to assent, to withhold assent or to remit these for further consideration.

22. The First Statutes shall be those attached as Schedule A to this Regulation.

THE ORDINANCES.

23. Subject to the provisions of the Regulation and the Statutes, the Ordinances may provide for any or all of the following, among other matters:— Ordin

(*a*) the direction of academic matters relating to courses of study and examinations,

(*b*) the discipline to be required of graduates and under-graduates,

(*c*) conditions of admission to the various courses of study,

(*d*) qualifying attendance required in the various courses,

(*e*) membership of the University and the duties and privileges attached thereto,

(*f*) the payment of fees to the University in relation to the enjoyment of privileges therefrom,

(*g*) the number and designations of officers of the University, their powers and duties and the terms for which they shall hold offices in so far as these matters are not provided for in the Regulation and the Statutes,

(*h*) the appointment and the prescription of the duties of boards of Studies and Boards of Examiners,

(*i*) all such other subjects as are required or authorised by the Regulation and the Statutes to be prescribed by means of Ordinances.

24. The procedure to be followed in making Ordinances and in amending or repealing existing Ordinances

shall be according to provisions made in that behalf in the Statutes.

MISCELLANEOUS.

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25. The Senate, the Council, the Academic Council and other bodies that may be constituted under the Regulation, the Statutes and the Ordinances, may make such subsidiary rules, and bye-laws not inconsistent with this Regulation and the Statutes and the Ordinances in force as may be required to regulate the conduct of business entrusted to them severally.

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26. Notwithstanding anything contained in this Regulation, all Professors, Assistant Professors and other officers and servants now employed in the Colleges and other Institutions of the University and all such as may be employed hereafter for carrying on the work of the University shall, unless a reservation to the contrary is made at the time of their employment, be deemed to be officers holding appointments under the Government and shall in all respects be governed by the rules framed by Government and in force for the time being in respect of such officers.

27. No act or proceedings of the Senate, the Council, the Academic Council or other body constituted under the Regulation or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it at the time any such act or proceeding is done or passed.

TRANSITIONAL.

28. The Ordinances of the University of Mysore in force at the time of the coming into operation of this Regulation shall, so far as they may be applicable, remain in force until they are replaced by Statutes and Ordinances to be framed under this Regulation.

29. In case of difficulty arising as to the first constitution or reconstitution of any authority of the University after the commencement of the operation of this Regulation or otherwise in giving effect to its provisions, the Government may take such measures to remove such difficulty as may appear to them necessary or desirable.

30. The Regulations mentioned in Schedule B are hereby repealed.

Schedule B.

(SEE SECTION 30.)

Year.		*Number*	*Short title.*	*Extent.*
1916	...	V	The Mysore University Regulation.	The whole.
1919	...	II	Regulation to amend the Mysore University Regulation, 1916.	Do
1923	...	XIV	Do	Do
1925	..	I	Do	Do
1927	...	III	Do	Do
1928	...	II	Do	Do

Schedule A.

(SEE SECTION 22.)

First Statutes.

1. The Vice-Chancellor shall have power to convene meetings of the Senate, the Council and the Academic Council and, when necessary, of any other University body.

Vice-Chancellor Power to convene meetings.

2. The Registrar shall conduct the official correspondence of the Senate, the Council and the Academic Council. He shall issue all notices convening meetings of the Senate, the Council, the Academic Council and the Faculties. He shall be empowered to sign agreements on behalf of the Council. He shall manage the property and investments of the University and the University Fund subject to the control of the Council.

Registrar Powers and duties.

3. In addition to the Constituent Colleges, the University shall maintain the following teaching institutions namely,

University Institutions other than constituent colleges.

the Intermediate College, Mysore;
the Intermediate College, Bangalore;
the Intermediate College, Tumkur;
the Intermediate College, Shimoga;
the Maharani's College, Mysore;
the Intermediate College for Women, Bangalore;
the Medical School, Bangalore.

egrees.

4. The University may confer the following degrees :—

Bachelor of Arts	....	(B.A.)
Bachelor of Science	....	(B.Sc.)
Bachelor of Commerce	....	(B.Com.)
Bachelor of Engineering	....	(B.E.)
Bachelor of Medicine and Surgery	....	(M.B.B.S.)
Bachelor of Teaching	....	(B.T.)
Master of Arts	....	(M.A.)
Master of Science	....	(M.Sc.)
Doctor of Philosophy	....	(Ph.D.)
Doctor of Letters	....	(D.Litt.) Honoris Causa.
Doctor of Science	....	(D.Sc.) Honoris Causa.
Doctor of Laws	....	(LL.D.) Honoris Causa.

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5. Where at a meeting of the Academic Council not less than eight members recommend that an honorary degree be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by the University Council and accepted by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the Senate shall confer the honorary degree on such person

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Degrees,
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6. Where evidence is laid before the Council showing that any person on whom a degree, diploma, license, certificate or other distinction has been conferred or granted by the Senate, has been convicted of what in the opinion of the Council is a serious offence involving moral deliquency and where at a meeting of the Council not less than eight members recommend to the Senate that the degree, diploma, license, certificate or other distinction be cancelled and where the recommendation is accepted by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the degree, diploma, license, certificate or other distinction shall be cancelled accordingly.

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7. The University Fund shall be managed by the Registrar on behalf of and under the control of the Council.

8. The Council shall cause to be maintained proper accounts relating to the University Fund.

9. The Council shall arrange for the conduct of a detailed running audit by the Comptroller to Government or by such other agency as may be determined by the Council of the accounts of the University including those of the institutions under it. It shall be competent to the University to make a contribution out of its funds towards the charges connected therewith.

Budget.

10. The Council shall have prepared and laid before the Senate at a meeting to be held not later than the month of April in each year accounts of receipts and expenditure of the University for the previous year ending the 30th June together with an estimate of the income and expenditure of the University for the year to commence on the 1st July following.

11. The Senate shall consider and pass resolutions on the budget estimates and shall communicate such resolutions to the Council. The Council shall take such action thereon as it thinks proper.

12. The budget estimates, after such consideration by the Senate and review by the Council shall be submitted to Government; and it shall be competent to Government to sanction the budget estimates with such modifications if any as they may deem fit.

Ordinances.

13. (i) Ordinances shall be of two kinds—

(*a*) academic,
(*b*) administrative,

Procedure relating to making, amending and repealing.

(ii) Ordinances dealing with academic matters such as courses of study, examinations and the promotion of research shall be deemed to be Academic Ordinances.

(iii) Ordinances dealing with administrative matters such as elections, audits, inspections, fees, scholarships, free-studentships and such other matters as may be necessary for carrying on the administration shall be deemed to be administrative Ordinances.

(iv) In the event of doubt arising as to the category in which an Ordinance or a proposed Ordinance should fall, the matter shall be decided in each such case by the ruling of the Vice-Chancellor.

14. Proposals to make new Academic Ordinances or to amend or repeal existing Academic Ordinances shall originate with the Academic Council. Such proposals as may be accepted by the Academic Council shall be forwarded to the Council, which may assent, withhold, assent or reject or remit for further consideration.

Provided that the Council may, in case of urgency, dispose of academic matters which cannot wait. The Council shall, in such cases, report its action to the Academic Council at its next meeting. It shall be open to the Academic Council, to cancel such action, but without retrospective effect.

15. Proposals to make new Administrative Ordinances or to amend or repeal existing Administrative Ordinances shall originate with the Council. The Council may proceed to make and to bring into effect from such date as the Council may appoint any Ordinance, whether originating with the Council or with the Academic Council.

16. All Ordinances passed by the Council shall be submitted to the Senate at the next meeting of the Senate for consideration provided that a member of the Senate may give notice of a proposition in the nature of an Ordinance, Academic or otherwise, which may be referred by the Senate, with or without discussion, to the Council or to the Academic Council, as the case may be: and the latter shall proceed with the proposition as in the case of a proposal initiated by itself.

17. All proposals relating to Ordinances forwarded by the Academic Council to the Council, whether approved by the latter or not, shall be submitted to the Senate at the next regular meeting of the Senate.

18. The Senate may deal with Ordinances or proposals in respect of Ordinances submitted to it by the Council in any one of the following ways:—

(*a*) the Senate may assent;

(*b*) the Senate may cancel by a two-thirds majority of the members present at the meeting at the time of voting

(*c*) the Senate may by a two-thirds majority of the members present at the meeting at the time of voting remit for further consideration, with or without suggestion for amendment;

(*d*) in the case of proposals affecting Ordinances emanating from the Academic Council and submitted by the Council in respect of which there is disagreement between the Academic Council and the Council (including cases of rejection or of withholding assent by the Council), it shall be open to the Senate to assent or not to assent; but not to amend;

19. Ordinances which have received the assent of the Senate, or which have not been cancelled or remitted by it for further consideration shall be submitted to the Government for sanction or remission for further consideration.

Assent of Government to proposals relating to Ordinances necessary.

20. Besides the duties assigned to it by the Regulation, the Council

Council duties of.

(*a*) shall award stipends, scholarships, medals, prizes and other awards in conformity with the Ordinances and under the prescribed conditions;

(*b*) shall appoint the teachers of the University and fix their emoluments and conditions of service in accordance with rules made by Government on this behalf;

(*c*) shall appoint the following, among other necessary Boards and Committees :—

Boards of Studies, Boards of Examiners, Students Residence Committees, Extensi n Lectures Committee, Union Committees, University Library Committee and the like;

(*d*) shall order examinations in conformity with the Ordinances and appoint examiners after considering the recommendations of the Boards of Studies and the Academic Council;

(*e*) shall declare the results of the examinations and recommend for degrees, honours, diplomas, licences, certificates and other marks of distinction;

(*f*) shall maintain a list of graduates;

(*g*) shall frame the financial estimates of the University and submit them to the Senate;

(*h*) shall submit the annual accounts and an annual report to the Senate.

21. The Academic Council

Academic Council duties of.

(*a*) shall make proposals for the organisation of courses of instruction in the University and shall be responsible for teaching work in the University and in general for purely academic questions;

(*b*) shall have control and general regulation of the standards of instruction, education and examination;

(*c*) shall make proposals for the conduct of University examinations and shall recommend to the Council the appointment of examiners;

(*d*) shall advise the Council in regard to students' fees for instruction and examination; and in regard to all subjects relating to teaching, examination and academic discipline;

(*e*) shall co-operate with other Universities or with Inter University Organizations in such work as is germane to the University.

Statement of objects and reasons.

The University of Mysore has been established and incorporated under the Mysore University Regulation V of 1916. The need for a remodelling of the constitution of the University in certain respects has been felt by the authorities of the University. The proposals for such re-organisation which were formulated by the University authorities have been considered by the Government and the present bill is intended to implement such of the proposals as have been accepted by the Government.

The main features of the reorganisation are indicated in the following paragraphs :—

(1) There are at present two governing bodies in the University, the Senate and the University Council. It is proposed to constitute in addition an Academic Council to deal with purely academic matters. The province and functions of each of the three bodies are clearly defined in the bill; and the relation of the Faculties to the Academic Council is also laid down. The Faculties are to be constituted from among the members of the Academic Council and each Faculty will act generally in an advisory capacity to the Academic Council in academic matters falling within its purview.

(2) The laws of the University are at present contained in the University Regulation and in Ordinances covering matters of varying degrees of importance. It is proposed to classify the existing Ordinances as Statutes and Ordinances. Some of the matters now included in the Regulation are also transferred to the Statutes. The first Statutes are attached to the bill. The Senate will have the power, subject to approval of Government, to add to, amend or repeal any Statutes. Ordinances will be made by the University Council on its own motion or in the case of Ordinances relating to academic matters, on the initiative of the Academic Council. The Senate may consider Ordinances made by the Council and may assent to them

or may by a two-thirds majority either cancel them or remit them for further consideration. Ordinances which have received the assent of the Senate or have not been cancelled or remitted by it for further consideration, are to be submitted to Government for sanction. In addition, each of the governing bodies may frame rules and bye-laws regarding matters within its own special jurisdiction for carrying into effect the provisions of the Regulation, Statutes and Ordinances and for regulating its own business and procedure.

(3) Provision is made for including in the Senate four members elected from the Legislative Council and eight members elected from the Representative Assembly. The number to be elected by the outgoing Senate is to be raised from six to eight. Instead of each of the Faculties electing two members to the Senate, the Academic Council will have the right to elect four members. The strength of the Senate will be raised to 75 and provision is also made for each District Board or Municipal Council agreeing to contribute not less than Rs. 2,000 per annum for five years to the University Fund sending a representative to the Senate. Such representatives will be in addition to the strength of 75 referred to above.

(4) The strength of the University Council is raised to 15 and it will include three members elected by the Senate, two elected by the Academic Council and three nominated by the Chancellor.

(5) The Senate and the Council will be reconstituted every three years instead of two years as at present.

(6) The Vice-Chancellor has been given power to take action in any emergency which in his opinion calls for immediate action. In such a case he has to report his action to the authority which would ordinarily have dealt with the matter as soon as possible.

Reg. No. M. 1175.

THE PALACE OFFICE
JUL 29 1932
MYSORE

The Mysore Gazette

Vol. 67.] PUBLISHED BY AUTHORITY. [No. 30

BANGALORE, THURSDAY, JULY 28, 1932.

PART IV.

Legislative Measures and Rules thereunder.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE ELEVENTH DAY OF JULY 1932.)

Order No. P. 380—Legis. 32-31-3 Bangalore, dated the 19th July 1932.

Ordered that the accompanying Regulation to provide for the proper regulation and control of water from Irrigation Works, for the regulation of customary labour and for certain other matters pertaining to irrigation which received the assent of His Highness the Maharaja, on the eleventh day of July 1932, be published as Regulation No. I of 1932, in the *Mysore Gazette* for general information.

N. MADHAVA RAO,
Chief Secretary to Government.

The Mysore Irrigation Regulation, No. I of 1932.

Whereas it is expedient to make adequate provision for the proper regulation and control of the supply of water from irrigation works, for the regulation of customary labour and for certain other matters pertaining to irrigation; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

Short Title

1. This Regulation may be called the Mysore Irrigation Regulation, 1932.

Extent and commencement.

2. The Government may, by notification in the *Official Gazette*, extend this Regulation, or any portion thereof, to any local area or to any irrigation work or class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of irrigation works from the operation of this Regulation, from such date as may be specified therein.

All existing regulations, rules, orders or usages having the force of law, in so far as they are inconsistent with any of the provisions of this Regulation and the rules made thereunder in the areas and with respect to the irrigation works or classes of irrigation works to which this Regulation is extended, are repealed to the extent to which they are so inconsistent;

Provided that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said regulations, rules, orders or usages having the force of law.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context :—

'Irrigation work.'

(1) "Irrigation Work" includes—

(*a*) all reservoirs, tanks, anicuts, canals, channels *thalapariges* and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water;

(*b*) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, anicuts, canals, channels, *thalapariges* or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such reservoirs, tanks, anicuts canals, channels, *thalapariges*, or pipes;

(*c*) all water courses and drainage works as hereinafter defined;

(*d*) all lands occupied by the Government for the purposes of such reservoirs, tanks, anicuts, canals, channels, *thalapariges*, pipes, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government upon such lands:

(2) "New Irrigation Work" means any work of irrigation as defined in clause (1), constructed or completed after this Regulation comes into force and includes extensions of irrigation works made after this Regulation comes into force: 'New Irrigation Work.'

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and includes all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe: 'Water Course.'

(4) "Drainage work" includes channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part: 'Drainage work.'

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation: 'Deputy Commissioner.'

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation: 'Irrigation Officer.'

(7) "Amildar" includes a Deputy Amildar: Amildar.

(8) "Owner" includes every person having an interest in the ownership of the thing specified: 'Owner.'

(9) "Occupier" means, in respect of any land any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour and includes a tenant: Occupier.

(10) "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class specially empowered by the Government to try offences under this Regulation. 'Magistrate.'

4. The Government or, subject to such rules as may be made under this Regulation, any officer whom the Government empowers in this behalf, may declare by notification in the *Official Gazette*, the officers by whom and the local limits within which all or any of the powers Appointment of officers.

or duties hereinafter conferred or imposed on the Deputy Commissioner and the Irrigation Officer, shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

Power to enter upon land for purposes of inspection, etc.

5. Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation work.

Powers for repairing or preventing damage to an irrigation work.

6. On any damage happening or being apprehended to any irrigation work or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation work, and may repair any existing work, construct any new work, or take and utilise any material and take any measure or do anything that may, in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

Notice of intended entry on private property to be given in certain cases.

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow. Such notice shall be in writing except in a case of emergency.

CHAPTER III.

OF WATER COURSES.

Construction, extension, improvement or alteration of a water

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer, and the said

officer may, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or, if the applicant so desires, have it constructed, extended, improved or altered through Government agency on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicant to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

course on the applica tion of person in- terested.

From the order of the Irrigation Officer an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District and from his decision, a second appeal shall lie within ninety days from the date of the service of such appellate order to the Revenue Commissioner whose decision thereon shall be final.

(2) If is necessary to acquire any land for the purposes of sub-section (1) the Deputy Commissioner may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

Explanation :—Notwithstanding anything contained in the *proviso* to section 6 (1) of the Land Acquisition Regulation, 1894, the acquisition of any land under sub-section (2), shall be deemed to be for a public purpose.

9. No water course constructed, extended, improved, or altered under the provisions of section 8 shall be altered without the consent of the Irrigation Officer.

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10. Every owner or occupier of land which receives a supply of water from a water course shall be bound—

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(*a*) to maintain such water course in a fit state of repair; and

(*b*) to allow the use of it to any person entitled to the same by reason of an order passed under section 8 or otherwise.

11. (1) If any owner or occupier of land which receives a supply of water from a water course fails to fulfil any obligation imposed on him by sub-clause (*a*) of section 10, the Irrigation Officer may require him by notice to execute the necessary work or repair within

Enforcem of said obl gations.

such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

(2) The expenses incurred by the Irrigation Officer on any work or repair under sub-section (1) shall be recoverable from the defaulter as an arrear of land revenue.

ettlement of isputes oncerning ater courses.

12. Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water course, or among joint owners of a water course as to their respective shares of the expense of constructing or maintaining such water course or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share, any person interested in the matter of such dispute may apply in writing to the Irrigation Officer stating the matter in dispute.

Such officer shall thereupon proceed to make a summary enquiry into the matter in the manner prescribed in the Mysore Land Revenue Code, 1888, and pass his decision thereon.

From the decision of the Irrigation Officer an appeal shall lie within thirty days from the date of the service of the said decision to the Deputy Commissioner of the District whose order thereon shall remain in force, until set aside by a decree of a Civil Court.

CHAPTER IV.

REGULATION OF IRRIGATION.

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13. (1) The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,

(i) the time for letting out water for irrigation,
(ii) the period of the supply, and
(iii) the quantity of the supply,

after holding such enquiry as may be provided for by rules framed by the Government.

(2) From the order of an officer other than the Deputy Commissioner under sub-section (1), an appeal shall lie to the Deputy Commissioner of the District within thirty days from the date of such order and from the original or appellate order of the Deputy Commissioner, an appeal shall lie to the Revenue Commissioner, within ninety days of such order.

Supply of water from new irrigation work.

14. (1) Every person desiring the supply of water from a new irrigation work shall submit a written application to that effect to the Irrigation Officer in such form as may be prescribed by the Government.

If the supply of water is desired for irrigation, it may be granted for such period and on such terms as may be prescribed by rules framed by the Government.

(2) Notwithstanding anything contained in sub-section (1), the rates leviable for the supply of water for irrigation from a new irrigation work constructed at an outlay of less than one lakh of rupees and not falling under Chapter VI of this Regulation shall be fixed in conformity with the provisions of the Mysore Land Revenue Code, 1888 and the rules thereunder,

provided that when such work is itself an extension of a new irrigation work constructed at a cost of not less than one lakh of rupees, the provisions of sub-section (1) shall apply irrespective of the cost of the work.

(3) If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

Supply of water not be stoppe except ur certain ci cumstanc

15. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

(*a*) whenever and so long as it is necessery to stop such supply—

(i) for the purpose of executing any work ordered by competent authority ; or

(ii) in order to supply in rotation the legitimate demand of other persons entitled to water;

(*b*) whenever and so long as any water course by which such supply is received is not maintained in such

repair as to prevent the wasteful escape of water therefrom;

(c) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water;

(d) within the periods fixed from time to time by an Irrigation Officer acting under section 16, of which reasonable notice shall be given.

ower of rrigation fficer to etermine he irrigable rea and rant re-ission of ssessment.

16. (1) An Irrigation Officer specially empowered by the Government, in this behalf, may, in any year, having regard to the quantity of water available in any irrigation work under his control determine the portion of the wet lands in the irrigable area of such irrigation work to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly.

(2) If, in accordance with a decision of the Irrigation Officer under sub-section (1), any land assessed as wet is not supplied with water for raising wet crops, the holder of such land shall be entitled to remission of one-half of the assessment of such land.

From the order of the Irrigation Officer under this section, an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District, and from his decision, a second appeal shall lie within ninety days from the date of the service of such appellate order, to the Revenue Commissioner whose decision shall be final.

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17. (1) All rights to the supply of water from an irrigation work to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property whenever such a transfer has been effected.

(2) No person entitled to the use of any irrigation work or land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission except when such right is transferred with the land, building or other immovable property having such right.

CHAPTER V.

OF THE AWARD OF COMPENSATION.

18. Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Regulation, which is capable of being ascertained at the time of awarding such compensation. Compensation awardable for damage.

Provided that no compensation shall be so awarded in respect of any damage arising from—

(a) deterioration of climate or soil;

(b) stoppage of navigation or of the means of floating timber or of watering cattle; or

(c) stoppage or diminution of the supply of water of any river or stream flowing in a natural channel or of any lake or natural collection of still water by the application of such supply for the purposes of a new irrigation work or otherwise, except in so far as a right to the use of such supply may be established; or

(d) failure or stoppage of the water in a channel, when such failure or stoppage is due to,

(1) any cause beyond the control of Government,

(2) the execution of any repairs, alterations or additions to the channel, or

(3) any measures considered necessary by any Irrigation Officer duly empowered in this behalf for regulating the proper flow of water in the channel, or for maintaining the established course of irrigation, or under section 15;

but any person who suffers loss from any stoppage or diminution of his water-supply due to any of the causes named in clause (d) of the proviso, this section shall be entitled to such remission of the water-rate payable by him as may be authorised by the Government. Remission of water-rates when allowable.

19. No claim for compensation under this Regulation for any damage shall be entertained after the expiration of one year from the time when the damage complained of commenced, unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period. Limitation of claims.

Compensation for damage caused by entry on land, etc.

20. In every case of entry upon any land or building or the utilisation of materials under sections 5 and 6, the Irrigation Officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work, to any crop, tree, building or other property, and the value of the materials taken or utilised,

and within one month from the date of such entry compensation shall be tendered by the Irrigation Officer to the landholder or owner of the property.

Enquiry as to compensation.

21. If such tender is not accepted, the Irrigation Officer shall forthwith refer the matter to the Deputy Commissioner for the purpose of making enquiry as to the amount of compensation and deciding the same.

Claims to be preferred to the Deputy Commissioner.

22. All claims for compensation under this Regulation other than claims of the nature provided for in section 20, shall be made to the Deputy Commissioner having jurisdiction over the local area wherein the land or part thereof in respect of which damage is alleged to have been caused is situate.

Deputy Commissioner to determine the amount of compensation.

The Deputy Commissioner shall enquire into all such claims and determine the amount of compensation, if any, which should be awarded.

Appeal.

23. An appeal shall lie to the Revenue Commissioner from the decision of the Deputy Commissioner under either of the two preceding sections as to the amount of compensation to be awarded within ninety days from the date of such decision and the decision of the Revenue Commissioner thereon shall be final.

Compensation when due.

24. All sums of money payable for compensation awarded under this chapter shall become due three months after the final award has been made;

and, simple interest at the rate of six per cent per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

CHAPTER VI.

OF THE CONSTRUCTION AND IMPROVEMENT OF IRRIGATION WORKS ON SPECIAL TERMS.

Preliminary enquiry to be held when the levy of acreage contribution or water-rate or both is necessary for undertaking construction or improvement of an Irrigation work.

25. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area cannot be undertaken unless, on the lands irrigable by such work, payment of a specified acreage contribution or water-rate or both, is guaranteed, the Government shall direct the Deputy Commissioner or any other officer appointed by it in this behalf to hold an enquiry in the manner hereinafter provided.

The Government may by notification in the *Official Gazette* declare that the provisions of this section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.

Explanation.—Improvement in this chapter means only such improvement of an irrigation work as will materially enhance the supply of water available therein for irrigation.

Procedure in holding the enquiry.

26. The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution or water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Report of the enquiring officer.

27. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-

thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Government may abandon or proceed with the scheme.

28. Upon receipt of the report submitted under section 27, the Government may, after such further enquiry, if any, as it may make, either abandon the scheme, or proceed with the scheme in the original form or with such modifications as it may consider necessary ; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections 26 and 27 shall apply to the altered scheme.

Publication of the scheme as finally approved by the Government.

29. (1) The scheme as finally approved by the Government shall be published in the *Official Gazette*, and it shall embody the following particulars :—

(*a*) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby ;

(*b*) the estimated time required for the completion of the work ;

(c) a description of the benefited area ;

(*d*) the rates at which contribution will be recovered in respect of the lands in the benefited area and the terms of such recovery ;

(*e*) the rates at which water-rate will be imposed on the lands in the benefited area, and

(*f*) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(2) The contribution referred to in clause (*d*) of sub-section (1) shall in no case exceed one-third of the difference between the value of the wet and dry lands in the locality.

(3) The water-rate referred to in clause (*e*) of sub-section (1) shall be liable to revision after the expiry of a period of ten years and thereafter at intervals of not less than fifteen years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive proof that any consent recorded therein has been duly obtained.

30. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1888, contribution or water-rate or both at the rates referred to in section 29. Such contribution or water-rate shall be recoverable as a revenue demand.

Levy of contribution and water-rate on lands within the benefited area.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VII.

OF OBTAINING LABOUR IN EMERGENCIES.

31. (1) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the taluk that unless some work or repair is immediately executed, an irrigation work would sustain such serious damage as to cause sudden and extensive public injury,

Impressment of labour for urgent works of repair, etc.

or that unless some clearance, of an irrigation work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the patel or patels of the village or villages in the vicinity to call upon all or any of the able-bodied male persons who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

(2) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Report to be made by Irrigation Officer.

An order made under the section shall be immediately reported to the Deputy Commissioner.

Payment for labour impressed.

32. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 31 shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar, as the case may be, for their labour and detention at twenty-five per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

Appeals against orders under section 32.

33. Any person who does not accept the amount tendered in payment under section 32, may appeal within thirty days from the date of such tender, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VIII.

OF CUSTOMARY LABOUR.

Works for which customary labour is enforceable.

34. The provisions of this chapter shall apply to tanks, river and spring channels, feeder channels connected with tanks, and other irrigation works which have been brought up to standard and handed over to the raiyats for upkeep.

Nature of, and persons liable to, perform customary labour and the levy of cash contribution in lieu of labour.

35. (1) Every occupier of land, irrigated or served by any irrigation work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work, shall perform, in respect of such work, without payment, the following customary labour :—

(*a*) filling up gullies, cracks, ruts and holes in the earth work ;

(*b*) removing any rank growth or pernicious weed ;

(*c*) clearing such underwood as may be considered by the Irrigation Officer to be injurious ;

(*d*) clearing sand or silt from sluices and branch channels and repairing the earthwork of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields ;

(*e*) maintaining the bund to the standard level and with the slopes specified ;

(*f*) keeping in order the feeder channels of tanks;

(*g*) watching the bunds during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by this work, within the meaning of this section.

(2) The Government may, by an order, direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour, a contribution in cash at such rates as may be fixed under rules made in this behalf be levied from the persons bound to perform the same; provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour. Such order may, at any time, be cancelled or modified by the Government.

Village patel responsible for due performance of customary labour.

36. It shall be the duty of the patel of every village to see that in respect of any irrigation work situated in the village or villages in his charge the customary labour specified in section 35 is duly performed and the work maintained in an efficient condition.

Execution of work with hired labour on failure of customary labour.

37. If any person who under this chapter is bound to contribute labour towards any irrigation work, neglects or refuses to do so, the patel, or other officer empowered by Government in this behalf, may get the work performed by hired labour, after giving notice by beat of drum in the villages in which the persons bound to do the work ordinarily reside or the land served by such irrigation work is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

Determination of quantum of labour to be contributed.

38. The quantum of labour which each person liable under section 35 is bound to contribute, and the proportionate share of labour for each village where an irrigation work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Penalty for failure to perform customary labour.

39. Whenever any person who is bound to contribute labour under section 35, neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person a sum equivalent to the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

From the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of service of the order to the Deputy Commissioner, whose decision shall be final.

CHAPTER IX.

OF IRRIGATION PANCHAYETS AND BOARDS.

Constitution of an Irrigation Panchayet.

40. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may, when he is satisfied that a demand exists, constitute an Irrigation Panchayet for a village.

Such Panchayet shall consist of the patel and the shanbhog of the village who shall be *ex-officio* members and of not less than five and not more than seven other members who shall be elected in accordance with rules made under this Regulation, by and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office if he ceases to possess the aforesaid qualification, or if he absents himself without reasonable or sufficient cause from three consecutive meetings.

Constitution of an Irrigation Board.

41. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may constitute an Irrigation Board consisting of two or more Panchayets or delegates therefrom in respect of an irrigation work irrigating more than one village.

The appointment of delegates to Irrigation Boards shall be made in accordance with rules framed under this Regulation and every delegate shall hold his office only for such time as he continues to be a member of the Panchayet of which he is a delegate.

42. The provisions of the following sections as regards Panchayets shall also apply as far as possible to Irrigation Boards.

43. The Government may, by rules to be framed in this behalf—

(*a*) prescribe the functions of an Irrigation Panchayet;

(*b*) prescribe the procedure to be adopted by an Irrigation Panchayet; and

(*c*) delegate to any Irrigation Panchayet any of the powers vested in the Government or in a Deputy Commissioner or in an Irrigation Officer under this Regulation.

Dissolution of Panchayet.

44. If in the opinion of the Deputy Commissioner, any Panchayet persistently makes default in the performance of the duties imposed upon it by this Regulation or rules thereunder or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayet to be heard in their defence, order the Panchayet to be dissolved.

45. An appeal shall lie to the Revenue Commissioner against the order of the Deputy Commissioner under section 44 and the order on such appeal shall be final.

CHAPTER X.

PENALTIES AND PROCEDURE.

Offences under the Regulation.

46. Whoever voluntarily and without proper authority—

(*i*) damages, alters, enlarges or obstructs any irrigation work;

(*ii*) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over, or under any irrigation work or does any act which renders such irrigation work less useful than is intended for the purpose for which it was constructed;

(*iii*) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(*iv*) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(*v*) destroys, defaces or moves any land or level-mark or water-gauge fixed by the authority of a public servant;

(*vi*) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(*vii*) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 56 after he has been required to desist therefrom;

(*viii*) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation work;

(*ix*) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation work;

(*x*) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government;

(*xi*) violates any rule made under section 56, the breach whereof is declared to be an offence punishable under this section; and whoever

(*xii*) being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8;

shall be deemed to commit an offence under this Regulation and shall, on conviction before a magistrate, be punished for each such offence as is mentioned in sub-sections (i) to (vi) (x) and (xii) of this section with fine which may extend to one hundred rupees and for each such offence as is mentioned in sub-sections (vii), (viii), (ix) and (xi) with fine which may extend to fifty rupees.

47. Any person who, being duly called upon by the patel of his village to assist by his labour in the execution of any work under section 31, refuses or neglects to comply with such call without sufficient and reasonable cause shall, on conviction before a magistrate, be punished with fine which may extend to fifty rupees.

48. When any person is convicted of an offence under section 46, the convicting magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land-mark, level-mark, water-gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Persons convicted under section 46 liable to repair the damage, etc.

49. When the person causing any damage, alteration, enlargement or obstruction to any irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, on the recommendation of the Irrigation Board or the Irrigation Panchayet concerned with the work, after giving not less than one month's notice to the occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

Recovery of cost of repairing damage when the offender is unascertainable.

50. Nothing herein contained shall prevent any person from being prosecuted under any other law for the time being in force for any act or omission made punishable by this Regulation;

Punishment under other laws not barred.

Provided that no person shall be punished twice for the same act or omission.

51. Any person in charge of or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a magistrate or to the nearest police station to be dealt with according to law, any person who within his view—

Power to remove obstruction or damage to works.

(1) wilfully damages, obstructs or fouls any irrigation work, or

(2) without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage, or render less useful any irrigation work.

CHAPTER XI.

MISCELLANEOUS.

Power of revision.

52. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner or any Irrigation Officer subordinate to it or him for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any decision or order passed and the regularity of the proceedings of such officer.

When on examining the records of any case, the Government or the Revenue Commissioner considers that the order or decision of such officer should be revised, it or he may reverse or alter such order or decision or pass such other order as it or he may think fit. The Government alone shall be competent to revise under this section any decision or order which is declared by this Regulation to be final.

Power to summon and examine witnesses.

53. Any officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining the witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, 1911, and every such enquiry shall be deemed a judicial proceeding.

Manner of serving notices.

54. Service of any notice under this Regulation shall be made in accordance with the provisions of the Code of Civil Procedure, 1911.

Jurisdiction of Civil Courts barred.

55. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter V, Chapter VI, Chapter VII or Chapter VIII.

Power to make rules.

56. (1) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of this Regulation.

(2) The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted under this Regulation.

MIRZA M. ISMAIL,
Dewan.

Reg. No. M. 1175.

The Mysore Gazette

Vol. 67.] PUBLISHED BY AUTHORITY. [No. 35

BANGALORE, THURSDAY, SEPTEMBER 1, 1932.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 1208—Legis. 15-32-3, dated Bangalore 26th August 1932.

The following draft amendment which the Government propose to make in exercise of the powers conferred on them under section 11 of the Mysore Motor Vehicles Regulation, 1928, to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 21st September 1932 and that any suggestions or objections which may be received in this behalf from any person before the date aforesaid will be considered by Government.

For Note 1 of Form "C" appended to the Rules the following shall be substituted :—

"On sufficient cause being shown, a duplicate of this certificate will be granted by the original registering authority on payment of half the original registering fee subject to a maximum of Rs. 20."

By Order,

N. MADHAVA RAO,
Chief Secretary to Government.

No. G. 1363—Med. 249-31-6, dated 24th August 1932.

In exercise of the powers conferred by sub-section (1) of section 25 of the Mysore Medical Practitioners Registration Regulation, V of 1931, Government are pleased to publish for general information the following draft set of rules proposed to be issued for the purpose of carrying out the provisions of the Regulation.

By Order,
R. RANGA RAO,
General Secretary to Government.

RULES OF THE GOVERNMENT OF MYSORE UNDER SECTION 25 (1) OF THE MYSORE MEDICAL REGISTRATION REGULATION OF 1931.

1—Rules under Section 25 (1) (i) for the Election of Members to the Council.

FOR THE FIRST ELECTIONS.

The first elections, under clauses (c) and (d) of sub-section (1) of section 5 of the Regulation, of the members of the Mysore Medical Council shall be conducted in the following manner :—

1. The "Returning Officer" means the Senior Surgeon with the Government of Mysore.

2. (1) The Returning Office shall prepare and publish in the *Mysore Gazette* a draft electoral roll in Form I annexed to these rules for each of the electorates specified in clauses (c) and (d) of section 5, (1) of the Regulation, on a date not later than the 5th January 1933 together with a notice stating that any objections relating to entries in or omissions from the said electoral roll may be preferred on or before the 1st February 1933 to the Returning Officer.

(2) On or after the said date, the Returning Officer shall consider the objections so received and revise the electoral rolls and shall publish the final electoral rolls in the *Mysore Gazette* on or before the 16th February

1933. These electoral rolls shall then be deemed to be final and conclusive.

3. (1) Any person whose name is on any of the electoral rolls and who is qualified for election to the Medical Council under section 6 of the Regulation may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to these rules which shall be supplied by the Returning Officer to any elector who may apply for the same.

(3) Each nomination paper shall be subscribed by two electors as proposer and seconder; provided that no elector shall subscribe more nomination papers than there are seats allotted to his electorate.

Provided also that if more than the prescribed number of nomination papers be subscribed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid, and if more than the prescribed number of nomination papers signed by the same elector be received simultaneously by the Returning Officer, all of such nomination papers shall be held to be invalid.

On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

4. Nomination papers which are not received by the Returning Officer before 12 noon on 1st March 1933 shall be rejected.

5. (1) Every candidate and his proposer and seconder may attend the Office of the Returning Officer at the date and hour specified in rule 4 and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) The Returning Officer shall then examine the nomination papers and may, either of his own motion or on objection made, decide all questions which may arise as to the validity of any nomination and his decision on this question shall be final.

6. (1) If in the case of an election under clauses (c) and (d) of Section 5, the number of duly nominated candidates who stand for election does not exceed the number of members to be elected under that clause, the Returning Officer shall forthwith declare such candidate or candidates to be elected and there shall be no voting.

(2) If the number of such candidates exceed the number of members to be so elected, the Returning Officer shall forthwith publish their names and addresses in the *Mysore Gazette*, and shall further cause their names to be entered in voting papers in Form III annexed to these rules.

(3) Any duly nominated candidate may withdraw his candidature by sending to the Returning Officer a written and signed withdrawal not later than fourteen clear days before the date appointed for the scrutiny and counting of votes and it shall not be permissible to him subsequently to cancel such withdrawal.

(4) On receiving notice of such withdrawal, the Returning Officer shall publish the fact of such withdrawal in the *Mysore Gazette.*

(5) On or before the..... ....the Returning Officer shall send, by Registered Post, to each elector a voting paper in Form III signed by the Returning Officer.

Provided that such a voting paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the date appointed for the counting of votes, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

7. Every elector desirous of recording his vote shall send his voting paper by Registered Post to the Returning Officer after recording his vote thereon in the manner prescribed therein.

Provided that voting papers which are not received by the Returning Officer before the time and date appointed therein for the scrutiny and counting of votes shall be rejected.

8. (1) On receiving the voting papers, the Returning Officer shall endorse on the cover thereof the date and hour of receipt.

(2) The Returning Officer shall, at the time of Scrutiny, endorse "rejected" on any voting paper which he may reject on the ground that it does not comply with the instructions on the voting paper,

(3) After satisfying himself that the electors have affixed their signatures to the counterfoils, the Returning Officer shall tear off the counterfoils and place them in safe custody pending disposal under rule 11.

9. Two tellers shall be appointed by the Council to scrutinize the voting papers along with the Returning Officer and if either of the tellers is not available, the President shall appoint a substitute in his place.

10. (1) The Returning Officer shall scrutinize and count the votes at this Office at 12 noon on the.....

(2) Every candidate may be present in person, or may send a representative duly authorised by him in writing to watch the process of counting.

11. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes have been given to be elected.

(2) When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

12. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and thereafter cause them to be destroyed.

13. The Returning Officer shall publish the names of the elected candidates in the *Mysore Gazette*.

14. The Government, of its own motion or on objection made, may declare any election that has been held to be void on account of corrupt practice or any other sufficient cause and may call on the electorate to make a fresh election. The decision of the Government under this rule shall be final.

15. The decision of the Government on any question that may arise as to the intention, construction or application of these rules shall be final, and it shall be open to them to extend any period or alter any date entered in them.

FOR SUBSEQUENT ELECTIONS.

1. In these rules, unless there be something repugnant in the subject or context—

(*a*) The expression "The Regulation" means the Mysore Medical Registration Regulation of 1931.

(b) The "Returning Officer" means the Registrar of the Medical Council established by the Regulation.

2. When a vacancy on the Medical Council established by Section 5 of the Regulation occurs or at any time within sixty days of the date when such a vacancy will occur in the ordinary course of events, the President of the Council shall, in the case of a nominated member, inform the Government of the vacancy and in the case of an elected member issue a precept to the electorate concerned apprising it of the said vacancy and requiring it to elect a substitute within a date mentioned in the precept.

3. (1) In the case of the University electorate on receipt of any such precept, the Council of the University of Mysore shall call upon the Medical Faculty of the University to elect a member to the Medical Council in accordance with the procedure prescribed.

(2) In the case of the other electorates, candidates for election shall be nominated by means of nomination papers, in Form I annexed to these rules, which shall be supplied by the Registrar of the Council to any elector who may apply for the same.

4. (1) Each nomination paper shall be subscribed by two electors as proposer and seconder; provided that no elector shall subscribe more nomination papers than there are seats allotted to his electorate.

Provided also that if more than the prescribed number of nomination papers be subscribed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid, and if more than the prescribed number of nominations signed by the same elector be received simultaneously by the Returning Officer, all of such nomination papers shall be held to be invalid.

(2) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

5. Nomination papers which are not received by the Returning Officer before the date and time appointed therein for the scrutiny of nomination papers shall be rejected.

6. (1) On the date and at the time appointed by the Council for the scrutiny of nomination paper, every candidate and his proposer and seconder may attend the Office of the Returning Officer who shall allow them to examine

the nomination papers of all candidates which have been received by him as aforesaid.

(2) The Returning Officer shall examine the nomination papers and may, either of his own motion or on objection made, decide all questions which may arise as to validity of any nomination, and his decision on this question shall be final.

7. (1) If the case of an election under clause (c) and (d) of Section 5 the number of duly nominated candidates who stand for election does not exceed the number of members to be elected under that clause, the Returning Officer shall forthwith declare such candidate or candidates to be elected.

(2) If the number of such candidates exceeds the number of members to be so elected, the Returning Officer shall forthwith publish their names and addresses in the *Mysore Gazette* and shall further cause their names to be entered in voting papers in Form II annexed to these rules.

(3) Any duly nominated candidate may withdraw his candidature by sending to the Returning Officer a written and signed withdrawal not later than fourteen clear days before the date appointed for the scrutiny and counting of votes, and it shall not be permissible to him subsequently to cancel such withdrawal.

(4) On receiving notice of such withdrawal, the Returning Officer shall publish the fact of such withdrawal in the *Mysore Gazette.*

(5) On or before the date prescribed by the Medical Council on this behalf, the Returning Officer shall send, by Registered post, to each elector a voting paper in Form II signed by Returning Officer.

Provided that such voting paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the date appointed for the scrutiny and counting of votes and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

8. Every elector desirous of recording his vote shall send his voting paper by Registered Post to the Returning Officer after recording his vote thereon in the manner prescribed therein.

Provided that voting papers which are not received by the Returning Officer before the date and time appointed for the scrutiny and counting of votes shall be rejected.

9. Two tellers shall be appointed by the Council to scrutinize the voting papers along with the Returning Officer and if any of the tellers will not be available, the President shall appoint a substitute in his place.

10. (1) On receiving the voting papers, the Returning Officer shall endorse on the cover thereof the date and hour of receipt.

(2) The Returning Officer shall, at the time of scrutiny, endorse "rejected" on any voting paper which he may reject on the ground that it does not comply with the instructions on the voting paper.

(3) After satisfying himself that the electors have affixed their signatures to the counterfoils, the Returning Officer shall tear off the counterfoils and place them in safe custody pending disposal under rule 12.

11. (1) The Returning Officer shall attend for the purpose of the scrutiny and counting the votes at the date, time and place appointed by the Council on this behalf.

(2) Every candidate may be present in person or may send a representative duly authorised by him in writing to watch the process of counting.

12. (1) When counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes have been given to be elected.

(2) When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

13. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting paper and all other documents relating to the election and shall retain the same for a period of six months and thereafter cause them to be destroyed.

14. The Returning Officer shall inform the President of the result of the election, who shall then published it in the *Mysore Gazette*.

15. The Council shall appoint and shall notify in the *Mysore Gazette* and in such other manner as it thinks

fit such suitable date, time and place for each of the following proceedings, namely :—

(a) The receipt of nomination papers and their scrutiny ;
(b) The sending of voting papers under rule 7 ;
(c) The receipt of voting papers and the scrutiny and counting of votes under rules 9 and 10.

16. The Council may, of its own motion, or on objection made, declare any election that has been held to be void on account of corrupt practice or any other sufficient cause and may call on the electorate to make a fresh election. The decision of the Council under this rule be final.

17. The decision of the Council on any question that may arise as to the intention, construction or application of these rules shall be final.

II.—Rules under Section 25 (I) (ii) for the election of the Vice-President of the Medical Council.

1. The Vice-President of the Council shall be elected at the first meeting of each new Council. In the case of an equality in the number of votes balloted for two or more members of the Council, the choice among such members shall be *determined by lot.*

2. The Vice-President's term of office shall ordinarily continue till the first meeting of the Council formed after a succeeding election, when he will be eligible for re-election.

3. If he vacates his seat before the expiry of his term of office, a substitute shall be elected by ballot; but the Vice-President thus elected shall hold office only until the first meeting referred to in rule 2.

III. Rules under Section 25 (I) (iii) to Regulate the Procedure an inquiry held under Section 14 or Section 17.

(NOTE.—In these rules, the term, pleader, shall mean a pleader as defined in the Code of Civil Procedure.)

SECTION I

PRELIMINARY PROCEDURE.

1. Whenever information is received that a medical practitioner, who is an applicant for registration or whose

name has already been registered, bas heen guilty of conduct which *prima facie* constitutes infamous conduct in a professional respect, the Registrar shall make an abstract of such information.

2. Where the information in question is in the nature of a complaint by a person or body charging a medical practitioner with infamous conduct in a professional respect, such complaint shall be made in writing addressed to the Registrar and shall state the grounds of complaint and shall be accompanied by one or more declarations as to the facts of the case.

3. Every declaration must state the description and true place of abode of the declarant and where the facts stated in a declaration are not within the personal knowledge of the declarant, the source of the information and grounds for the belief of the declarant in its truth must be accurately and fully stated.

4. (1) The abstract and where a complaint has been lodged, the complaint and all other documents bearing on the case, shall be submitted by the Registrar to the President who may, if he thinks fit, instruct the Registrar to furnish the medical practitioner concerned with a copy of the complaint and other documents and invite him by means of a registered letter to submit any explanation he may have to offer. The documents, including any explanation submitted by the Practitioner to the Registrar, shall then be placed before the Council.

The Council may then—

(*a*) order that all further proceedings be stopped,

(*b*) appoint a Committee to consider the matter and submit a report to the Council as to whether proceedings should be instituted under section 14 or section 17 of the Regulation, or

(*c*) direct that a regular inquiry be held by the Council or a Committee thereof appointed under section 18 (1) of the Regulation.

A committee appointed to make preliminary inquiry shall have power to cause further investigation to be made and further evidence to be taken and to take any legal advice or procure any legal assistance it may think necessary. The Committee shall report to the Council.

(2) If the Council consider that the case is one in which an inquiry under section 14 or section 17 of the Regulation ought to be held, the President shall direct the

Registrar to take steps for the institution of any inquiry and for having the case heard and determined by the Council.

SECTION II

5. The Council or Committee thereof appointed under section 18 (I) of the Regulation shall observe, in inquiries held by them, the procedure laid down in the following rules :—

6. When thec harge is brought by a complainant, they shall require the complaint to be reduced to writing and verified by the oath or solemn affirmation of the complainant. The articles of charge and a list of documents and witnesses by which each charge is to be sustained shall then be prepared and the Registrar shall issue a notice in writing on behalf of the Council addressed to the Medical Practitioner concerned. Such notice shall be accompanied by a copy of the article of charge and list of witnesses and documents referred to above and shall inform the medical practitioner concerned of the day on which and hour at which the Council or Committee intend to deal with the case and shall call upon him to attend before the council or committee on that day and hour. The notice shall be in the form appended to these rules with such variation as circumstances may require. It shall be served on the medical practitioner fifteen clear days before the beginning of the inquiry, and shall be accompanied by a copy of sections 14, 17 and 18 of the Regulation and of the rules to regulate the procedure for conducting any inquiry referred to in those sections. Service of the notice may be made either by delivery to the medical practitioner in person or by registered letter addressed to his usual residence.

7. In every case in which the Council resolve that an inquiry shall be instituted and notice of inquiry is issued accordingly, the complainant (if any) and the medical practitioner concerned shall, upon request in writing signed by the party or his pleader, be entitled to be supplied by the Registrar with a copy of any declaration, explanation, answer or other document given or sent to the Council by or on behalf of the other party which such other party will be entitled on proper proof to use at the hearing as evidence in support of, or in answer to the charge specified in the notice of inquiry.

8. Any answer, evidence, or statement forwarded, or application made by the medical practitioner between the date of the issue and of the notice and the day named for the hearing of the charge shall be dealt with by the President in such manner as he shall think fit.

9. Copies of all material documents which are laid before the Council or Committee as evidence in regard to the case shall be made and furnished to each member of the Council or Committee, as the case may be, before the hearing of the case.

10. At the hearing of the case by the Council or Committee, the complainant and also the medical practitioner concerned may, if they so desire, be represented or assisted by Pleaders.

11. When the complanant appears personally or by pleader, the order of procedure shall be as follows:—

(1) The Complainant shall exhibit the articles of charge to the Council or Committee, which shall be openly read.

(2) The medical practitioner concerned shall then be called upon to plead "Guilty" or "Not Guilty" to each of them, which plea shall forthwith be recorded with the articles of charge. If the medical practitioner refuses or without reasonable cause neglects to appear to answer the charge either personally or by Pleader, he shall be taken to admit the truth of the articles of charge.

(3) The complainant may then address the Council or Committee in explanation of the articles of charge and of the evidence by which they are proved.

(4) The oral and documentary evidence shall then be exhibited. The witnesses shall be examined by or on behalf of the complainant and may be cross-examined by or on behalf of the medical practitioner concerned.

The complainant shall then be entitled to re-examine the witnesses on any point on which they have been cross-examined. No question should be asked in re-examination on any new matter without leave of the Council. The Council or Committee may put such questions as they think fit.

(5) If before the close of the case for the complainant, it shall appear necessary, the Council or Committee may, in their discretion, allow the complainant to exhibit evidence not included in the list furnished to the medical practitioner concerned or may themselves call

for new evidence, and in such case, the medical practitioner shall be entitled to have, if he demands it an adjournment of the proceedings for three clear days before the exhibition of such new evidence, exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

(6) When the case for the complainant is closed, the medical practitioner concerned shall be required to make his defence orally or in writing as he shall prefer. If made in writing, it shall be openly read and a copy shall be given at the same time to complainant.

(7) The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the Council or Committee in the same manner as the witnesses for the complainant.

(8) The Council or Committee or some person appointed by them shall take notes in English of all the oral evidence which shall be read aloud to each witness by whom the same was given and if necessary explained to him in the language in which it was given and shall be recorded with the proceedings.

(9) If the medical practitioner concerned makes only an oral defence and exhibits no evidence, the inquiry shall end with his defence. If he records a written defence or exhibits evidence, the complainant shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the medical practitioner concerned shall not be entitled to any adjournment of the proceedings although such new evidence were not included in the list furnished to him.

(10) When the Council or Committee shall be of opinion that the articles of charge, or any of them, are not drawn with sufficient clearness and precision, the Council or Committee may, in their discretion, require the same to be amended, and may thereupon, on the application of the complainant or the medical practitioner concerned, adjourn the inquiry for such time as they may consider reasonable. The Council or Committee may also, if they think fit, adjourn the inquiry from time to time on the application of either the complainant or the medical practitioner concerned, on the ground of sickness or unavoidable absence of any witness or such other

cause as they may consider reasonable. When such application is made and refused, the Council or Committee shall record the application and their reasons for refusing to comply with it.

(11) When there is no complainant, or no complainant appears, the proceedings shall begin by the Registrar reading to the Council the notice of inquiry addressed to the medical practitioner concerned and the articles of charge and stating the evidence by which the articles of charge are supported.

(12) The medical practitioner shall then be called upon to plead "Guilty or Not Guilty." The further proceedings shall be conducted in substantial accordance with procedure laid down in rule 11 above.

(13) The Council or Committee may, at their discretion, hold the inquiry in Camera.

(14) (1) Upon the conclusion of the case, the Council or Committee will deliberate thereon in private, and at the conclusion of the deliberations, the Council or Committee shall vote on the question whether the articles of charge are proved or not and whether they show that the medical practitioner concerned has been guilty of infamous conduct in a professional respect or not.

(2) If the Council or Committee by a majority find the medical practitioner guilty of infamous conduct in a professional respect, the President shall direct the Registrar not to register his name if he be an applicant for registration or to erase his name altogether or for a specified period from the register of medical practitioners if he is already a registered practitioner, except in cases where the Council or Committee consider that in view of extenuating circumstances the practitioner may be let off with a warning.

(15) When the registration of the name of any medical practitioner is refused or when the name of any registered medical practitioner is removed from the Register in accordance with the provisions of the proceedings rules, the Registrar shall forthwith send notice of such refusal or removal to the medical practitioner concerned, and such notice shall be sent by a registered letter addressed to his last known address. The Registrar shall also send forthwith intimation of any such refusal or removal to the body or bodies from whom the medical practitioner received his qualification or qualifications and

shall request them not to admit him to any examination for any new qualification which is registerable in the register of registered practitioners without previous reference to the Council.

NOTICE.

SIR,

On behalf of the Mysore Medical Council, I give you notice that information and evidence have been laid before the Council by which the Complainant makes the following charge or charges against you, namely, (here set out the circumstances briefly) and that you, have therby been guilty of infamous conduct in a professional respect.

And I am directed further to give you notice that on the day of 193 a meeting of the Council will he held at o'clock in the to consider the abovementioned charge or charges against you and decide whether or not they should direct that your name shall not be registered in / that your name be removed from the register of registered practitioners pursuant to section 14/17 of the Mysore Medical Registration Regulation of 1931. You are invited and required to attend in person or by a Pleader before the Council at the abovenamed place and time to establish any denial or defence that you may have to make to the abovementioned charges and you are hereby informed that, if you do not attend as required, the Council may proceed to hear and decide upon the said charges in your absence.

Any reply or other communication or application which you may desire to make respecting the said charges or your defence thereto should be addressed to the Registrar of the Mysore Medical Council and transmitted so as to reach him not less than three clear days before the day appointed for the hearing of the case.

Copies of sections 14, 17 and 18 of the Mysore Medical Registration Regulation of 1931 and of the rules to regulate the procedure for conducting any inquiry referred to in those sections are enclosed herewith for your information.

A copy of the acticles of the charge and of list of document and witnesses by which each charge is to be sustained are attached.

IV. Rules under Section 25 (I) (iv) for the Institution, hearing and disposal of appeals under Section 16 or Section 19.

1. An appeal to the Council, preferred under section 16 of the Regulation, against a refusal of the Registrar to register the name or any title or qualification of any person on the register of registered practitioners shall be in writing and shall state the grounds on which registration is claimed, the names of the qualifications and the dates on which and the authorities from whom they were received.

2. On receipt of such an appeal, it shall be referred to a Committee of the Council for consideration and report.

3. The Committee shall have power to call for the original diploma or license, etc., from the appellant for inspection and also for such other documentary or oral evidence as may be considered necessary by them.

4. At the conclusion of their inquiry, the Committee shall make a report to the Council embodying such recommendation as they shall think fit to make with the reasons for the recommendations.

5. The appeal, the Committee's report on it and all other documents in connection with the case shall be laid before the Council at their next session.

6. The date on which the appeal is to be taken up by the Council shall be notified to the appellant. The appellant shall also be allowed, if he so chooses, to represent his case before the Council either by himself or by his Pleader.

V. Rules under Section 25 (I) (v) for the compilation revision and publication of the register.

1. The register of medical practitioners which is prescribed by section 12 of the Mysore Medical Registration Regulation of 1931 shall be maintained by the Registrar appointed under section 11 of the Regulation in form prescribed in the Appendix.

2. The register shall be verified by the Registrar's signature.

3. Every year, the Registrar shall, in the month of January, cause to be printed and published the register prescribed above and corrected up to 31st December preceding. The Registrar shall keep an interleaved copy of such printed list wherein he shall make, during the year, any entry, alteration or erasure that may be necessary.

4. At the end of the register printed as above, there shall be entered a statement showing (1) the total number of persons on the register at the beginning of the year; (2) the number of persons added by registration during the year; (3) the number restored to the register; (4) the number erased from the register stating the section of the Regulation under which the name has been erased; (5) the number removed by death; and (6) the total number remaining at the end of the year.

5. Every person whose name has been entered in the register shall be entitled to receive from the Registrar a certificate of registration in form appended to these rules on payment of the stamp duty leviable thereon under the Mysore Stamp Regulation or any other law for the time being in force relating to the levy of stamp duty. The certificate shall set forth the full name of the person registered, his address, the date and place of registration and the qualifications in respect of which he has been registered.

VI—Rules under Section 25 (I) (vi) for the disposal of fees received under the Regulation.

1. All money paid to the Council shall be received by the Registrar who shall remit the same to the Bank of Mysore, Ltd,. where an account in the name of the Council shall be opened.

2. All cheques for payment of sums from the Bank of Mysore shall be signed by the President and the Registrar.

3. Payment of sums not exceeding Rs. 10 may be made by the Registrar, and of sums exceeding Rs. 10 but not exceeding Rs. 50 by the President. Payment of sums in excess of Rs. 50 shall be made with the sanction of the Council.

4. The Registrar shall maintain a general Cash Book and shall enter therein all sums received or spent

by him or by order of the President immediately after the receipt or payment of the money.

5. The Registrar may retain and imprest not exceeding Rs. 20.

FORM I.

(*See rule 2.*)

List of persons qualified to vote under Section 5 (1) (c) or (d) of the Mysore Medical Registration Regulation V of 1931.

Name	Qualification	Address	Remarks

I certify that all the persons whose names are entered in the above roll are qualified to vote under Section 5 (1) to (c) or (d) of Mysore Medical Registration Regulation V of 1931.

Senior Surgeon with the Government of Mysore.

FORM II.

(*See rule 3*).

NOMINATION PAPER.

Election under clause (c) (d) of Section 5 (1) of the Mysore Medical Registration Regulation V of 1931.

1. Name of candidate.
2. Father's name.
3. Age.
4. Nature of qualification under Section 14.
5. Address.
6. Signature of Proposer.
7. Signature of Seconder.

Returning Officer.

Instruction.

Nomination papers which are not received by the Returning Officer before 12 noon on the 1st March 1933 will be invalid.

FORM III (Counterfoil) Serial No.	FORM III (See rule 6) Serial No. Voting Paper. Two members are to be elected to the Medical Council by the persons entered in the electoral roll		
I hereby delare that I am the person whose name appears in the electoral roll.	Sl. No.	Names of candidates duly nominated	Vote
(Signed).....			

Returning Officer.

Instructions

1. Each elector has two votes.

2. He shall vote by placing the + opposite the names of the two candidates whom he prefers.

3. The voting paper will be invalid if the mark + is placed opposite the names of more than two candidates, or if the marks are so placed as to render it doubtful to which candidates they are intended to apply.

4. The elector shall sign the declaration on the counterfoil; without such signature the voting paper will be invalid.

5. If the elector fills in more than one voting paper, the first only of such voting paper will, if otherwise in order be valid, and if two or more voting papers signed by the same person are received simultaneously by the Returning Officer, both, or all such voting papers will be invalid.

6. Voting papers shall be sent to the Returning Officer by Registered Post. Voting papers which are not received by the Returning Officer before 12 noon on will be rejected.

FORM I.

(See rule 3.)

NOMINATION PAPER.

Election under clause (c) or (d) of Section 5 (1) of the Mysore Medical Registration Regulation V of 1931.

1. Name of candidate.
2. Father's name.
3. Age.
4. Nature of qualification under Section 14.
5. Address.
6. Signature of Proposer.
7. Signature of Seconder.

Returning Officer.

Instructions.

Nomination papers which are not received by the Returning Officer before noon on the 1st March 1933 will be invalid,

FORM II. (Counterfoil) Serial No.	FORM II (See rule 6) Serial No. Voting Paper Two members are to be elected to the Medical Council by the persons entered in the electoral roll		
I hereby declare that I am the person whose name appears in the electoral roll.	Sl. No.	Names of candicates duly nominated	Vote
(Signed)..... ..			

Instructions.

1. Each elector has two votes.

2. He shall vote by placing the mark + opposite the names of the two candidates whom he prefers.

3. The voting paper will be invalid if the mark + is placed opposite the names of more than two candidates, or if the marks are so placed as to render it doubtful to which candidates they are intended to apply.

4. The elector shall sign the declaration on the counterfoil without such signature the voting paper will be invalid.

5. If the elector fills in more than one voting paper, the first only of such voting paper, if otherwise in order be valid, and if two or more voting papers signed by the same person are received simultaneously by the Returning Officer, both, or all such voting papers will be invalid.

6. Voting papers shall be sent to the Returning Officer by Registered Post. Voting papers which are not received by the Returning Officer before 12 noon on.....will be rejected.

MYSORE MEDICAL COUNCIL.

Certificate of Registratoin (under the Mysore Medical Registration Regulation V of 1931).

MYSORE MEDICAL COUNCIL
OFFICE, BANGALORE.

Dated.....193

Certificate No.....
Name.....
Father's Name.....
Qualifications.....
Date of Registration.....
Address.....

I do hereby certify that this is a true copy of the entry of the above-specified name in the Medical Register.

Registrar.

Important Notices.

Registered Medical Practitioners are requested to send to the Registrar immediate notice of any change in their registered address, so that it may be duly inserted in the register.

No charge is made for change of address.

A copy of the Annual Medical Register wherein the name first appears shall be supplied gratis on application to every person registered.

After the publication of the name in the printed Medical Register, the last edition of that Register alone is the legal evidence of Registration.

All persons registered under whatever Diploma or Diplomas are legally qualified for the practice of Medicine, Surgery and Midwifery.

Regd. No. M. 1175.

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The Mysore Gazette

Vol. 67.] PUBLISHED BY AUTHORITY. [No. 39

BANGALORE, THURSDAY, SEPTEMBER 29, 1932.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 1580, *dated Bangalore,* 12*th September* 1932.

Under Standing Order 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Bill to provide for the imposition of a tax on certain forms of betting is published for general information with the Bill as amended by them.

By Order,
N. MADHAVA RAO,
Chief Secretary to Government.

Report of the Select Committee on the Bill to provide for the imposition of a tax on certain forms of betting.

We, the undersigned members of the Select Committee to which the Bill to provide for the imposition of a tax on certain forms of betting was referred, have considered the Bill and have the honor to submit this our Report with the Bill as amended by us annexed hereto.

The Secretary of the Bangalore Race Club who was invited to be present helped the deliberations of the Committee by his explanations of technical matters connected with betting and by his other suggestions.

We are in agreement with most of the provisions of the Bill. We have explained in this report only the main alterations made by us. The other minor changes made by us which are merely verbal are indicated in the Bill as amended annexed hereto.

We have recast the definition of "backer" as follows :—

Clause 2, Sub-Clause (1).—"Backer" includes any person who bets with a licensed book-maker or at a totalisator.

Sub-Clause (6).—We consider that besides betting at the totalisator and with book-makers sweeps held in the race enclosures should also be taxed. Though "totalisator" has been defined as including any scheme for enabling persons to make best with one another on like principles, we have thought fit to remove all possible doubt by inserting the words "a sweep or" between the words "or" and "any scheme" in the clause.

Clause 3.—We consider the rate of tax proposed in the Bill too high taking into consideration the uncertain nature of the business and the risk involved, and the fact that too heavy a tax may bring about a reduction of the gross collections. A definite rate need not be fixed by statute, but the rate may be fixed by the Government subject to a maximum to be laid down in the Regulation and varied according to circumstance. We have, therefore, suggested that the tax should not exceed four per cent and that the actual rate may be left to be determined by the Government.

The clause as revised runs as follows :—

There shall as from . 193 , be charged, levied and paid to the Government out of all moneys paid into any totalisator by way of stakes or bets, a tax on backers, hereinafter referred to as the totalisator tax, at such rate not exceeding four per cent of every sum so paid as Government may, from time to time, notify in this behalf; and such portion of the moneys so paid into a totalisator, as is equal to the amount of the totalisator tax

at the rate notified as aforesaid by the Government in this behalf, shall be deemed to have been paid by the backer on account of the totalisator tax, and shall be received by the stewards of the race-meeting on behalf of the Government.

Clause 6 (1).—For the reasons mentioned in dealing with clause (3) above, we have revised this clause also by fixing the rate of betting tax as not exceeding four per cent as the Government may, from time to time, notify.

Clause 10.—Though the foregoing provisions of the Regulation make it obligatory on the part of the Stewards of the race-meeting and the book-makers to keep accounts and submit returns, to allow inspection of accounts, etc., and though by rules framed by the Government under this clause it can require observance of the rules, no penalty has been provided for cases of disobedience or default; we have, therefore, considered it necessary to insert a penal clause as follows as clause 11, the present clause 11 being renumbered as clause 12.

"*11. If any person contravenes or fails to comply with any of the provisions of this Regulation or of the rules framed thereunder, he shall, on conviction before a Magistrate, be liable in respect of each such offence to a fine not exceeding rupees five hundred.*"

We recommend that the Bill as amended by us may be republished.

(Sd.) K. Matthan (*Chairman*).
,, S. P. Rajagopalachari.
,, N. Madhava Rao.
,, K. V. Anantaraman.
,, D. H. Chendrasekharaiya.
,, K. Chengalraya Reddi.
,, P. Subbarama Chetty.
,, Belur Srinivasiengar.

*

* Mr. F. A. Hamilton, the other member of the Committee, was unable to be present at the meeting.

BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—Portions omitted by the Committee are enclosed in square brackets and portions added are printed in italics.

A Bill to provide for the imposition of a Tax on certain forms of betting.

Preamble.

Whereas it is expedient to impose a tax on certain forms of Betting; It is hereby enacted as follows:—

Short title, extent, and commencement.

1. (1) This Regulation may be called the [*Mysore*] Betting-Tax Regulation, 193.

(2) It extends to the whole of Mysore.

(3) It shall come into force in such local areas and from such dates as the Government may, by Notification in the *Official Gazette*, direct.

Definitions.

2. In this Regulation,—

(1) "backer" includes any person *who bets* with [whom] a licensed book-maker [bets] *or at a totalisator*;

(2) "bet" includes "wager" and "betting" includes "wagering;"

(3) "licensed book-maker" means any person who carries on the business or vocation of or acts as a book-maker or turf commission agent under a license or permit issued by any racing club or by the stewards thereof to enable him to carry on his business or vocation under the *conditions mentioned under the exception to section 4 (i) (1)* [provisions] of the Mysore Police Regulation, 1908, as specified in the license or permit;

(4) "prescribed" means prescribed by this Regulation or the rules made thereunder;

(5) "racing club" includes a club, association society or body of persons corporate or incorporate—

(*a*) formed for the purpose of promoting horse-racing or pony-racing or for holding race-meetings; or

(*b*) conducting or controlling such meetings;

(6) "totalisator" means a totalisator in an enclosure which the stewards controlling a race meeting have set apart in accordance with the Mysore Police Regulation,

1908, and includes any instrument, machine, or contrivance known as the totalisator, or any other instrument, machine, or contrivance of a like nature or *a sweep or* any *other* scheme for enabling any number of persons to make bets with one another on the like principles.

Tax on totalisators and payment thereof.

3. There shall as from 193 , be charged, levied and paid to the Government out of all moneys paid into any totalisator by way of stakes or bets, a tax on backers, hereinafter referred to as the totalisator tax, [amounting to 6¼ *per cent*] *at such rate not exceeding four per cent* of every sum so paid *as the Government may, from time to time, notify in this behalf*; [and 6¼ *per cent* of every sum] *and such portion of the moneys* so paid into a totalisator *as is equal to the amount of the totalisator tax at the rate notified as afore-said by the Government in this behalf*, shall be deemed to have been paid by the backer on account of the totalisator tax, and shall be received by the stewards of the race-meeting on behalf of the Government.

Procedure making over totalisator tax to Government.

4. The stewards of a race-meeting shall, at such times and in such manner as may be prescribed, forward to the prescribed officer a return stating the total amount of the moneys paid into the totalisator at the meeting, and shall, at the prescribed time, make over to the prescribed officer the amount of the tax for that meeting.

Accounts of totalisator tax.

5. (1) The stewards of a race-meeting shall keep accounts in the prescribed form of all moneys paid into the totalisator at that meeting.

(2) Every person having the custody of any such accounts shall, when required by an officer empowered in this behalf by the Government, permit such officer, or an officer authorised in writing by him in this behalf, to inspect and take copies of them.

Betting tax.

6. (1) There shall as from the.....193...., be charged, levied and paid to the Government out of all moneys paid or agreed to be paid by a licensed bookmaker to a backer in consequence of the winning by the backer of a bet made in an enclosure set apart under the provisions of the Mysore Police Regulation, 1908, on any race, a tax on backers, hereinafter referred to as the betting tax, [amounting to 6¼ *per cent*] *at a rate not exceeding four per cent* of all such moneys *as the Government may, from time to time, notify in this behalf.*

(2) The betting tax shall be deducted or collected by the licensed book-maker from such moneys at the time when the money is paid to the backer, or in the case of credit bets at such time as may be prescribed, and shall be deemed to have been paid by the backer on account of the tax, and shall be retained by the licensed book-maker on behalf of the Government.

Procedure for making over betting tax to Government.

7. All sums retained on account of the betting tax shall be made over by the licensed book-maker, by whom they have been retained, to the prescribed officer at such times and in such manner as may be prescribed.

Accounts of betting tax.

8. (1) The stewards of a race-meeting shall, at such times and in such manner as may be prescribed, forward to the prescribed officer, returns setting out the names of the bookmakers, licensed or permitted by them to carry on the business or vocation of a book-maker at that meeting.

(2) All licensed book-makers shall keep accounts of all sums paid or agreed to be paid by them to backers in satisfaction of bets, in such manner as may be prescribed, and shall, when required in writing by an officer empowered in this behalf by the Government, permit such officer, or an officer authorised in writing by him in this behalf, to inspect and take copies of such accounts.

Methods of recovery of totalisator tax and betting tax.

9. (1) The totalisator tax payable under section 3 shall be recoverable as a revenue demand from the racing club conducting the meeting, and any portion of such tax which is not so recovered shall also be recoverable as a revenue demand from the stewards of the race-meeting jointly and severally.

(2) All moneys which a licensed book-maker is liable to make over to the prescribed officer under section 7 shall be recoverable from the licensed book-maker as a revenue demand.

Rules.

10. The Government may make rules for securing the payment of the totalisator tax and the betting tax, the production and inspection of accounts kept under this Regulation and generally for carrying into effect the provisions of this Regulation, and for dealing with such matters as are therein directed to be prescribed.

11. *If any person contravenes or fails to comply with any of the provisions of this Regulation or of the rules framed thereunder, he shall, on conviction before a Magistrate, be liable in respect of each such offence to a fine not exceeding rupees five hundred.*

12. [11.] In section 4, clause (i) of the Mysore Police Regulation, 1908, hereinafter referred as the said Regulation before the definition of "Common gaming house," the following definitions shall be inserted, *viz.*,— Amendment of section 4 of the Mysore Police Regulation, 1908. 'Gaming.'

(1) "Gaming" does not include a lottery but includes wagering or betting on a horse race. [Except when such wagering or betting takes place.]

Exception.—Wagering or betting on a horse race is not gaming when such wagering or betting takes place—

(i) on the date on which such race is to be run; and

(ii) in a place or places within the race enclosure which the authority controlling such race has, with the sanction of the Government, set apart for the purpose.

(2) 'Instruments of gaming' include an article used as a subject, or means of, or for the purpose of carrying on or facilitating, or in connection with gaming and any books, lists, tickets, forms or other documents used or intended to be used as a register or record or evidence of gaming. "Instruments of gaming."

13. [12.] In section 63 of the said Regulation, sub-sections (1) and (2) shall be renumbered as (3) and (4) and the following shall be added as sub-sections (1) and (2), namely,— Amendment of section 63 of the Mysore Police Regulation, 1908.

"(1) Whoever opens, keeps or uses, or permits to be opened, kept or used any enclosure, room or place for the purpose of gaming on a horse-race, shall be liable, on conviction, to imprisonment not exceeding three months or for every day on which such enclosure, room or place is so opened, kept or used, to a fine not exceeding five hundred rupees or both.

"(2) Whoever is found gaming on a horse-race shall be liable, on conviction, notwithstanding any provision to the contrary in this Regulation to a fine not exceeding five hundred rupees or to imprisonment not exceeding one month."

14. [13.] In *explanation* 2 of section 63 of the said Regulation, after the word "wager," the word "bet" shall be inserted.

No. P. 1808—Pol. 27-32-2, dated Bangalore, 24th September 1932.

In exercise of the powers conferred by section 22 of the Mysore Arms Regulation, VI of 1890, as amended from time to time and Rule 3 of the Mysore Arms Rules, the Government of His Highness the Maharaja are pleased to declare that in the case of persons exempted under entries 5 and 10 of Schedule I of the Mysore Arms Rules, the reasonable quantity of arms and aminunition that such persons may carry or possess shall be limited as hereunder:—

"A gun or a rifle and a pistol or a revolver with two hundred rounds of ammunition for each weapon."

By Order,

N. MADHAVA RAO,

Chief Secretary to Government.

Regd. No. M. 1175.

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The Mysore Gazette

Vol. 67.] PUBLISHED BY AUTHORITY. [No. 40

BANGALORE, THURSDAY, OCTOBER 13, 1932.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 1911—Pol. 30-32-7; dated Bangalore, 27th September—3rd October 1932.

Government have ordered in Notification No. P. 712—Pol. 161-31-14, dated the 30th July 1932, that a census of all firearms in the State should be taken before the 31st December 1932. As it is essential that Government should have accurate information regarding the total number of firearms in the possession of the public, they are pleased to offer the following concessions, so that persons in possession of unlicensed firearms may find no difficulty in declaring them and obtaining licenses or surrendering them to the police, as the case may be :—

(1) No prosecution will be instituted under the Arms Regulation against any person who, on or before 30th November 1932, either deposits his unlicensed weapons at a police station or furnishes accurate information regarding them to the Inspector-General of Police, Bangalore, or the District Magistrate of the District where he resides ;

(2) Applications for the grant of licenses received from such persons on or before the 30th November 1932 will be considered on their merits and if a license be granted, the applicant will be charged only the fee for the current year, no claim being made for arrears;

(3) Any such persons who do not desire to take out a license or to whom a license cannot be granted will be required to deposit their weapons, if they have not already done so, at the nearest police station. If the weapons are deposited before the 30th November 1932, and a license be not granted, the proceeds which may be derived from their sale will be credited to such persons.

The public are hereby warned that after the 30th November 1932, prosecutions will be launched against any and every person found in unlawful possession of any weapon for which he is required by the rules to take out a license, provided that this period may be extended in the case of any person who would otherwise avail himself of this order, but is prevented from doing so by absence from the Mysore State or for any good and sufficient reasons.

By Order,

N. MADHAVA RAO,

Chief Secretary to Government.

No. 1376—*C.S.* 105-31-3, *dated Bangalore,* 27*th September* 1932.

The following draft amendments to the rules issued under section 44 of the Mysore Co-operative Regulation, VII of 1918, with notifications No. 326—E. C. 16-18-13 dated 9th July 1920 and No. 2795—E. C. 66-18-14 dated 11th September 1920, are hereby published for general information. All suggestions for additions, alterations or omissions by persons or bodies likely to be affected by these rules may be forwarded so as to reach the Secretary to Government, Development Department, within two months from the date of their publication in the *Gazette* after which they will be taken into consideration by Government.

Add the following as rule 6 A :—

6. A. (i) A person shall not be a member of more than one society of the same kind without the special or general sanction of the Registrar ; and where a person has become a member of two or more societies of the same kind either or both or all of the societies shall be bound to remove him from membership upon a requisition from the Registrar to that effect.

Explanation.—For the purposes of this rule, a combined credited and stores society shall be deemed to be a society under both the kinds, *viz.*, credit and stores. A society lending for house-building purposes only should be considered to be different from an ordinary credit society. A stores society which does not deal in provisions shall be deemed to be different from an ordinary stores society.

6. A. (ii) The decision of the Registrar regarding the kind or kinds of the societies of which a person is or desires to become a member shall be final.

6. A. (iii) Every society shall be bound to furnish, on requisition made therefor through the Registrar, to every other society working in the same city, town or village, a list of its members with their addresses.

Insert the following as rule 10 (ii) and renumber (ii) as rules 10 (iii).

10. (ii) Every society based on unlimited liability shall be bound to keep a statement showing the assets and liabilities of each individual member in such form as may be prescribed by the Registrar at the date of admission as well as on the last day of each co-operative year.

For Rule 16, *substitute* the following :—

16. (i) Any dispute in respect of the business of a society between any person who is or has been a member of the society or claims through any one who is or has been such a member and such society or its committee or any of its officers shall be submitted in the form, if any, prescribed by the Registrar and duly stamped in accordance with the rules, if any, made in this behalf to the Registrar for decision. Provided that the Registrar may, at his discretion, on the application of either of the parties permit the parties to have the dispute decided in civil courts.

(ii) The Registrar on receiving such dispute shall, at his discretion—

(*a*) decide the dispute himself or

(*b*) refer the parties to arbitration.

(iii) When the Registrar refers a dispute to arbitration, he may decide whether the arbitration shall be by one person or by more than one. If the arbitration is by one person, the arbitrator shall be appointed by the Registrar. If the arbitration is by more than one person, the Board of Arbitrators shall consist of three persons of whom one shall be appointed by the Registrar at the time of referring the dispute to arbitration, one by the society and one by the person or persons by or against whom the dispute is made. The nomination referred to above shall be made by the parties concerned within fifteen days after notice by the Registrar failing which the Registrar may himself make the nominations. The person appointed by the Registrar to the Board of Arbitrators shall be the Chairman of the Board.

16. (iv) Where a dispute has been referred by the Registrar to a single arbitrator, he may, for satisfactory reasons, withdraw the dispute from arbitration and decide it himself or refer it to another arbitrator or Board of Arbitrators. Where it has been referred to a Board of Arbitrators, he may withdraw it from such Board and refer it to a single arbitrator or to a Board of Arbitrators or decide it himself.

16. (v) In proceedings under clause (ii) above, the Registrar, Arbitrator or Board of Arbitrators shall have power to summon any person whose attendance is considered necessary either to be examined as a party or to give evidence as a witness or to produce documents for the purposes of deciding the dispute. Every summons shall be in writing in duplicate and shall state the purpose for which it is issued and shall be signed by the Registrar, Arbitrator or Chairman of the Board of Arbitrators issuing it; it shall require the person summoned to appear before the said officer, arbitrator, or Board of Arbitrators at the stated time and place and shall specify whether his attendance is required for the purpose of giving evidence or to produce documents or for both the purposes.

16. (vi) The service of summons under clause (v)

above on any person may be effected in any of the following ways:—

(*a*) by giving or tendering it to such person,

(*b*) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering the same to some adult member of his family, or

(*c*) if the address of such person is known, by sending the same to him by registered post,

(*d*) if none of these means aforesaid is available, by affixing the same in some conspicuous part of his last known place of abode or business.

16. (vi) (ii) Any party to the dispute may be required by the Registrar, Arbitrator or Chairman of the Board of Arbitrators to effect the service of summons on the other party or parties as also on the witnesses that are summoned on his own behalf.

16. (vii) (*a*) Any person so summoned shall be bound to attend in person as directed in the summons and when the summons directs the production of a document or thing, to cause its production.

(*b*) Any person summoned merely to produce a document or other thing shall be deemed to have complied with the summons by causing the production of such documents or other thing instead of attending personally to produce the same. And all persons summoned to attend shall be bound to state the truth upon any subject respecting which they are examined or make statements and to produce such documents and other things as may be required.

(*c*) If any party to the dispute desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, section 160.

16. (viii) In proceedings under this rule, the evidence of the parties and witnesses who attend shall be taken down in full, in writing, in English or in Kanarese, and shall be signed by the Registrar, Arbitrator or persons constituting the Board of Arbitrators and upon the evidence so recorded and upon consideration of any documentary evidence produced by either side, a decision or award as the case may be shall be given in accordance with justice, equity and good conscience and such decision shall be reduced to writing and signed by the Registrar, Arbitrator or persons constituting the Board of Arbitrators as the case may

be. If any party duly summoned to attend fails to appear, the dispute may be heard *ex-parte*. *Ex-parte* decisions or awards may, on sufficient and satisfactory cause for non-attendance being shown, be set aside by the Registrar and the dispute ordered to be disposed of on merits. But applications for setting aside the *ex-parte* decisions should be made within one month from the date of decision or award or from the date of knowledge of such decision or award having been passed. Applications for setting aside *ex-parte* decisions or awards should be disposed of on hearing or on giving reasonable opportunity for being heard to both the parties to the dispute.

16. (ix) In disputes settled by a Board of Arbitrators, the award shall be in accordance with the decision of the majority of the members of the Board where it is not unanimous.

16. (x) The Registrar may, by order, modify or correct an award where the award is upon a matter not referred to arbitration or where the award is imperfect in form or contains any obvious error which can be corrected without affecting the decision of the arbitrators, or where the award contains a clerical mistake or an error arising from an accidental slip or omission.

16. (xi) Where the decision or award involves the payment of money or delivery of grain and such payment is not made within one week or such further time as may be allowed by the Registrar, the Registrar shall send a copy of the decision or award to the Deputy Commissioner for its enforcement who shall thereupon enforce it as if it were a decree for arrears of land revenue. Provided that the Registrar may, on the application of the decree-holder, send such decree for execution to the civil court having jurisdiction over the subject matter of the decree or award, instead of sending it to the Deputy Commissioner as aforesaid whereupon, such court shall execute the decision or award as it were a decree passed by itself. Where the decision or award involves the payment of money and the person or persons against whom the decision or award is made are employed in the permanent or temporary service of the Government of His Highness the Maharaja of Mysore, the Registrar may send the decision or award to the Head of the office or department in which the person or persons are employed for enforcement

and such officer shall execute it as if it were a decree of a civil court.

16 (xii) Any party aggrieved by the award of an Arbitrator or a Board of Arbitrators may appeal to the Registrar within one month of the date of the award. The Registrar may, of his own motion or on the application of a party to a dispute, call for and examine the records and proceedings of any officer subordinate to him or arbitrator or Board of Arbitrators for the purpose of satisfying himself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings. If in any case it appears that any decision or order so called for should be modified, annulled or reversed, the Registrar may pass such order thereon as to him may seem fit. Any decision passed by the Registrar or an award of the Arbitrator or Board of Arbitrators if not appealed against or the order of the Registrar on appeal shall be final, and conclusive and final as between the parties to the dispute and shall not be called in question in any civil or revenue court.

16 (xiii) The proceedings under this rule shall be deemed to be judicial proceedings within the meaning of sections 193,219 and 228 of the Indian Penal Code and the provisions of the Code of Civil Procedure.

16. (xiv) In proceedings under this rule, no party to a dispute shall be represented by a legal practitioner appearing as such.

For Rule 17 (a), *substitute* the following:—

17. (*a*) The reserve fund of a Society shall be indivisible and no member shall be entitled to claim a specified share therein. Any loss or portion of loss on account of bad debts written off during any year may, with the sanction of the Registrar, be debited to the reserve fund.

Add the new rule 20 *A*:—

20. A. Every society accepting deposits from the public shall be bound to maintain fluid resources according to the scale, if any, which may, from time to time, be fixed by the Registrar.

Add the new rule 21 *A*:—

21. A. Whenever the eRegistrar is of opinion that the Committee of Managemnt of a society does not

function properly, he may, after hearing the objections, if any, of the Committee, place for a specified period or periods the management of that society in the hands of a suitable person or persons appointed by him. The person or persons so appointed shall have all the powers of the Committee so far as they are necessary to safeguard and recover the assets of the society as they stood at the time when he or they assumed charge of the management of the society.

For Rule 25 (l) and (m), *substitute* the following :—

25. (*l*) The Registrar shall fix the amount of fee, if any, to be paid to the Liquidator.

25. (*m*) The Liquidator shall, once a month, submit to the Registrar a report showing the progress made in winding up the affairs of the society and shall, on completion of the liquidation proceedings, convene a general meeting of the members of the dissolved society at which the Liquidator shall summarise his proceedings, and report what sum, if any, remains in his possession after meeting all the liabilities of the society including the share capital and the dividend thereon as per clause (*d*) of rule 17 of these rules to enable the members of the dissolved society to decide as to what objects of local public utility the said sum may be applied. The Liquidator shall submit his final report to the Registrar with a copy of the proceedings of the general meeting referred to above and make over to the Registrar all books, registers and accounts, etc., belonging to the dissolved society and all books and accounts relating to such proceedings kept by him.

By Order,

D. SRINIVASA IYENGAR,

Secretary to Government,

Development Department.

Regd. No. M. 1175.

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MYSORE

The Mysore Gazette

Vol. 67.] PUBLISHED BY AUTHORITY. [No. 44

BANGALORE, THURSDAY, NOVEMBER 10, 1932.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 2311, *dated Bangalore*, 24*th October* 1932.

Under Standing Order 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Bill to amend the Mysore University Regulation is published for general information with the Bill as amended by them.

By Order,
N. MADHAVA RAO,
Chief Secretary to Government.

Report of the Select Committee appointed to consider the Bill to amend the Mysore University Regulation.

We, the undersigned members of the Select Committee to which the Bill to amend the Mysore University Regulation, 1916, as amended from time to time was referred, have considered the Bill and have the honour to submit this, our report with the Bill as amended by us annexed hereto.

There were two meetings of the Committee on the 1st and 2nd August 1932 which were attended by all the members. We are in agreement with most of the provisions contained in the Bill. We advert in this report only

to the main changes effected by us in the Bill. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

The following notes on clauses explain the amendments we have made in the Bill :—

Clause 2.—Previous notice of the commencement of the new measure is necessary and we have accordingly revised this clause.

Clause 3.—The proposed definition of the expression "the constituent colleges" is restrictive and does not provide for future expansion, and we are of opinion that it should be wide enough to allow of new institutions coming under the control of the University. Accordingly, the words "and such other colleges in Mysore or in Bangalore as may be declared by the Government from time to time to be constituent colleges" are added at the end of the definition.

We also consider that it is desirable to include a definition of the word "University" and we have added the following to the definitions :—

"University" means the University of Mysore.

The definition of "University Professor" is revised as follows :—

"University Professor" means a Professor in the University appointed as University Professor by the Government.

Clause 6.—This Clause empowers the University as a body corporate to hold property and gives it the right to dispose of property. Clause 4 (2) gives it the right to sue and permits of its being sued. Valuable buildings and other immovable properties belonging to the Government have been placed at the disposal of the University. Government may transfer other immovable properties in the future. We consider it very essential that there should be a declaration in the Regulation that the University is only a trustee in respect of such properties transferred to it by the Government heretofore or hereafter and that these could be applied only for the purposes of this Regulation. We have accordingly inserted the following clause as sub-clause (2) to clause 6.

(2) All immovable property transferred to the University by the Government either prior to the coming into force of this Regulation or subsequent thereto shall be, under the direction, management and control of the

University, and applied by it as trustee subject to the provisions and for the purposes of this Regulation.

Clause 13 (1).—We consider that it is not necessary to allow the out-going Senate the privilege of electing members to the Senate and that the number of members to be elected by the Registered Graduates may be reduced to four. While it is necessary to secure the representative character of the Senate, it is at the same time desirable that it should include persons who evince an abiding interest in University Education and towards this end, we have revised the clause so as to throw open membership not only to Local Bodies but also to Associations and individuals under certain conditions. Accordingly, we have recast the clause as follows :—

(1) The Senate shall consist of

CLASS I.—*Ex-officio Members,*

(*a*) The Vice Chancellor and the other members of the Council mentioned in Section 14.

(*b*) The Registrar.

(*c*) The Deans of the Faculties.

(*d*) The University Professors.

CLASS II.—*Elected Members.*

(*e*) Four members elected by the Academic Council from among its members.

(*f*) Four members elected by registered graduates from among themselves.

(*g*) Four members elected by and from the Legislative Council.

(*h*) Eight members elected by and from the Representative Assembly.

CLASS III.—*Nominated Members.*

(*i*) Other members nominated by the Chancellor so as to make up along with members in classes I & II a total membership not exceeding seventy-five.

CLASS IV.—*Additional Members.*

(*j*) One representative of each of such municipalities, District Boards and Associations as undertake to contribute a sum of not less than Rs. 2,000 per annum for a period of not less than five years to the University Fund

for the general purposes of the University so long as the contributions continue to be paid

and

(*k*) Every person who contributes to the University Fund for the general purposes of the University a sum of not less than 10,000 rupees or transfers property of the like value. Every such person shall be a life member of the Senate.

Sub-Clause (2).—In consonance with the changes made in sub-clause (1), we have made some verbal alterations by the insertion of the words "coming under class II and the appointment of additional members under class IV" between the words "Senate" and "shall."

Sub-Clause 5.—We have added the words "except in such cases as are otherwise provided in the Statutes" at the beginning of the sub-clause in order to link the provisions in the Regulation with those in the statutes in regard to the tenure of members.

Sub-Clause 7.—The words "subject to the provisions of sections 20 and 21" have been inserted between the words 'shall' and 'have' as those sections lay down the conditions under which Statutes can be framed.

Sub-Clause 8.—We have inserted the words "which shall be placed before it by the Council" between the words "University" and "and" in order to indicate the authority responsible for preparing and placing before the Senate the report, etc.

Clause 14.—Sub-Clause (2):—We consider that the Council should consist of a number of persons who are not members of the Staff of the University. The decision of a majority of us is that all the Principals of the Constituent Colleges need not invariably be on the Council *ex-officio*, that it is sufficient if three of the heads of the constituent colleges be nominated and that the members to be nominated by the Chancellor be increased to five subject to the condition that not more than one of them be from the members of the Staff of the University. We have accordingly recast the clause as follows retaining the strength at 15 as proposed:

"The Council shall consist of fifteen members and shall include—

(*a*) The Vice-Chancellor;

(*b*) The Director of Public Instruction in Mysore;

(*c*) Three members elected by the Senate from

among its members who are not on the staff of the University;

(*d*) Two members elected from and by the Academic Council;

(*e*) Three heads of constituent colleges nominated by the Chancellor;

(*f*) Five other members nominated by the Chancellor of whom not more than one shall be employed on the staff of the University."

Clause 19.—We are of opinion that it is desirable that Government should have power to order at any time if it thinks necessary an audit of the University Accounts by such authority as it may direct. We have towards this end added a new sub-clause as under to this clause making the existing one as sub-clause (2).

"19. (1) Government shall have power at any time to order an audit of the accounts of the University by such auditors as it may direct."

Clause 21.—Para (1) is superfluous as the Senate's power to make, amend or repeal Statutes is already provided in sub-clause (4) (*b*) of clause 14. We have accordingly deleted the paragraph and slightly revised the second paragraph.

No new Statute made by the Senate and no amendment of an existing statue made by it should have effect until it is assented to by the Government. We have accordingly added a new sub-clause. The clause as revised by us reads as follows:—

21. (1) .....

"(2) No new Statute and no amendment or repeal of an existing Statute made by the Senate shall have effect until it is assented by the Government."

Clause 29. We have recast the second part of this clause as follows so as to make the intention clear.

"29. In case of any difficulty arising as to the first constitution or reconstitution of any authority of the University after the commencement of the operation of this Regulation or otherwise in first giving effect to its provisions, the Government may by order do anything which appears to it necessary for the purpose of removing such difficulty."

STATUTES.

Statute 1.—A provision for the convening of special meetings of the Senate on the requisition of 15 members

thereof should find a place in the First Statutes and we have accordingly added a sub-clause to Statute 1. And the statute prescribing the quorum for the meetings of the several university bodies, *viz.*, the Senate, the Council and the Academic Council, etc., has been added as Statute 2, the following Statutes being renumbered. These two additional clauses read as follows :—

"Statute 1 (*b*). The Vice-Chancellor shall convene a meeting of the Senate on the requisition of any fifteen members."

"Statute 2 The quorum for meetings of the several University authorities shall be as follows :—

The Senate	... 25
The Council	.. 7
The Academic Council	20
The other Bodies	...Half the strength of such bodies."

Statute 3.—As it has been decided to abolish the Intermediate College at Tumkur, it has been deleted from the list.

Statute 5.—We are of opinion that in cases of urgency, the Chancellor should have power to dispense with the protracted procedure prescribed in this Statute and to confer honorary degrees on the recommendation of the Council only. A proviso has accordingly been added to it at the end.

Statute 7.—This is unnecessary since it has been provided under Statute No. 2.

Statute 15.—This statute empowers the Council to give effect to Ordinances made by it even before they are submitted to the Senate. We consider that before giving effect to them they should be submitted to the Government who will have the power to disallow them or suspend their operation pending consideration by the Senate. We have accordingly inserted a proviso as follows at the end of this statute :—

".....provided that before any ordinance is brought into effect, it shall be submitted to the Government, and it shall be competent to the Government to disallow it or suspend its operation pending consideration by the Senate."

Statute 20.—The last two items (g) and (h) of this Statute are unnecessary as provision has been made therefor in Statute 10 and section 13 (8) of the Regulation. They are therefore deleted and the Statute is recast as follows :—

"20. Besides the duties assigned to it by the Regulation, the Council shall exercise the following functions:—

(*a*) award stipends, scholarships, medals, prizes and other awards in conformity with the ordinances and under the prescribed conditions;

(*b*) appoint the teachers of the University and fix their emoluments and conditions of service in accordance with rules made by the Government on this behalf;

(*c*) appoint the following among other necessary Boards and Committees:—

Boards of studies; Boards of Examiners;
Students Residence Committees;
Extension Lectures Committee;
Union Committees;
University Library Committee and the like;

(*d*) order examinations in conformity with the ordinances and appoint Examiners after considering the recommendations of the Boards of Studies and the Academic Council;

(*e*) declare the results of the examinations and recommend for degrees, honors, diplomas, licenses, certificates and other marks of distinction;

(*f*) maintain a list of graduates."

We recommend that the Bill as amended by us may be republished.

K. MATTHAN,
Chairman.

Sd. E. P. Metcalfe,
" N. S. Subba Rao,
" R. Ranga Rao,
" A. R. Nageswara Iyer,
" K. R. Srinivasa Iyengar,
" B. Abdur Rahmon,
" N. Channappa,
" G. Channappa,*
" H. B. Mylvaganam,*
" H. C. Dasappa.

* Mr. G. Channappa and Dr. H. B. Mylvaganam have signed subject to a minute of Dissent.

MINUTES OF DISSENT.

By Mr. G. Channappa.—

I am of opinion that all the District Boards and the two City Municipalities of Bangalore City and Mysore should be allowed the privilege of electing each one representative to the Senate irrespective of the fact whether they pay any contribution or not and that all the Municipalities in every District should jointly be allowed to send a representative of their own to the Senate. This seems to be the practice elsewhere, *e.g.*, in Madras and I do not see why we should not adopt the same with advantage. Such a procedure will also tend to increase the elected non-official element in the Senate and I therefore strongly recommend that this small amendment be accepted by the Council.

By Dr. H. B. Mylvaganam—

In my opinion, the Special Committee's report needs certain alterations in view of the resolutions passed by the Senate on the Reorganisation Committee's report at the meetings held in Bangalore on the 26th, 27th and 28th September 1929, in which myself and some of the members of this Committee were present. As the elected member of the University Constituency, I feel it my duty to support the Senate's resolutions.

Clause 13 (1).—This clause was discussed at great length at one of these meetings and it was resolved among other things that the outgoing Senate should continue to exercise the privilege of electing ten members from among its members. This recommendation of the Senate has been embodied in the draft Bill in a modified form reducing the number of members from 10 to 8. But the Select Committee in its report recommends its deletion altogether from the above clause for no tangible reason whatever. This privilege has been a time-honored one enjoyed by the Senate of this University from its very inception as well as by other Indian and Western Universities. This privilege is not a mere sentimental one but involves an important principle which was lost sight of when this question was discussed in the Select Committee meeting. It is the only avenue by which a certain important class of experienced and independent members who neither

belong to the professional staff of the constituent Colleges, registered graduates constituency, the Legislative Council or the Representative Assembly, but who have held responsible posts under our Government in the past or are men of education and independent means, could enter the Senate. They form an important connecting link between the old and the new Senate to maintain a continuity of policy of the University and to guide the deliberations of the new Senate with their matured experience. Their presence in the Senate will not only add to its prestige but will also have a moderating influence on its proceedings by their independent and detached outlook on controversial matters. It is for these cogent reasons that this privilege of the Senate was retained and I see no reason to act counter to its decision. I recommend that the full number (10) as recommended by the Senate be retained. Nomination may not be accepted to many of this class of members.

The nomination of the University Librarian to the Senate as recommended by the Sadler Committee was adopted by the Senate, but it finds no place in the draft Bill or in the Committee's report. This item needs insertion.

The Reorganisation Committee and the Senate recommended that ten members be elected from among the registered graduates to the Senate, but this number has been reduced to four only by the Select Committee. This number is quite inadequate considering the importance of this constituency, which has as its members, men and women possessing University degrees. They have a better claim to be represented in the Senate in an adequate measure, in virtue of their higher educational qualifications than other political constituencies in this State. At least six members may be permitted to be elected from this constituency as mentioned in the draft Bill.

Clause 14, *Sub-Clause* (2).

In the composition of the University Council all the Principals of the constituent colleges and the Superintendent of the Maharani's College should find a place in it as resolved by the Senate. To limit the number to three only, would lead to the selection of a favoured few and to the exclusion of others however deserving. How the selection is to be made, is not at all defined. Personal factors may influence the Selection. It is important that

an administrative body like the Coun[illegible] hould have in it all the principals of the constituent colleges and the Superintendent of the Maharani's College to represent the individual needs and requirements of each of these institutions adequately, and to facilitate administration. Otherwise important decisions may be delayed or withheld by default. Outside elements unconnected with teaching institutions will not be helpful in the administration of the University.

Item (c) Sub-Clause (2).

It is proposed to elect three members from and by the Senate from among its members to the Council who are not on the staff of the University. This restriction was not contemplated by the Reorganisation Committee or the Senate. Such a restriction on the choice of candidates by the Senate to the Council is ill-advised and is likely to create the impression that the professional staff of the University is lacking in the confidence of the Senate. Every member of the Senate has his or her legitimate right to be elected to the Council under this clause. It is not reasonable to penalise a member of the Senate from entering the Council on account of his being a member of the University Staff. We may rest assured that the best representative will be always selected. If it is desired to strengthen the Council with un-official elements, some other device, more pleasant and reasonable to all, should be introduced. Nomination perhaps is the least objectionable and the number increased under this head by one, and the elected members from the Senate reduced from 3 to 2.

Schedule A, First Statutes (6).

The Senate should be the final authority in conferring honorary degrees on any person by reason of eminent position and attainments. Cases of emergency necessitating the Cancellor to confer such honorary degrees on the recommendation of the Council, should be discouraged and the proviso in the Select Committee's report deleted as it deprives the Senate of an important privilege.

Subject to the above modifications, I am in full agreement with the Select Committee's report.

(*As amended by the Select Committee.*)

Bill to amend the Mysore University Regulation.

N.B.—Portions omitted by the Select Committee are enclosed in square brackets and portions added are printed in italics.

Whereas it is expedient to amend and consolidate the provisions of the Mysore University Regulation, V of 1916, as amended from time to time; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore University Regulation, 193 . Short Title.

2. It shall come into force [at once] *on the first day of.....193* . Commencement.

3. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

"Council" means the University Council;

"The Constituent Colleges" mean, the Maharaja's College, the Central College, the Engineering College the Medical College; *and such other colleges in Mysore or in Bangalore as may be declared by the Government from time to time to be constituent colleges.*

"*University*" *means the University of Mysore.*

"University Professor" means a [University] Professor *in the University* appointed as [such] *University Professor* by the Government.

THE UNIVERSITY.

4. (1) The persons who have been specified in this behalf by notification of the Government published in the official gazette as the Vice-Chancellor and Members of the Senate and of the Council and all persons who may hereafter become or be appointed as Vice-Chancellor and Members of the Senate and of the Council and of the Academic Council as hereinafter constituted so long as they continue to hold such office or membership shall be a body corporate by the name of the University of Mysore. Incorporation.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name first aforesaid.

(3) The University shall be deemed to be incorporated for the purposes, among others, of making provision for imparting education, literary, scientific, and artistic as well as agricultural, technical, commercial and professional, of furthering original research, of promoting the study of literature, science, art, philosophy, history, medicine and other branches of useful knowledge and of imparting physical and moral training.

Power to provide for instruction, to grant degrees, etc.

5. The University shall have power—

(*a*) to provide for instruction in such branches of learning as the University may decide and also for research and for the advancement and dissemination of knowledge,

(*b*) to grant and confer degrees and other academic distinctions to and on persons who shall have pursued a prescribed course of study in the University and shall have passed the examinations held by the University,

(*c*) to grant diplomas, certificates or other distinctions to persons who have pursued a course of study under conditions approved by the University,

(*d*) to confer honorary degrees or other distinctions,

(*e*) to withdraw or cancel degrees, diplomas, certificates or other distinctions granted or conferred, and

(*f*) to do all such other acts and things as may be required in order to further the objects of the University as a teaching and examining body.

Power to hold and to dispose of property.

6. (1) The University shall be able and capable in law to take, purchase and hold any property, movable or immoveable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise; and shall be able and capable in law to grant, demise, alien or otherwise dispose of, all or any of the property movable or immoveable, belonging to the University; and also to do all other acts incidental or appertaining to a body corporate.

(2) *All immovable property transferred to the University by the Government either prior to the coming into force of this Regulation or subsequent thereto shall be under the direction, management and control of the University, and applied by it as trustee subject to the provisions and for the purposes of this Regulation.*

THE CHANCELLOR.

7. (1) His Highness the Maharaja of Mysore shall be the Chancellor and the highest controlling authority of the University. Chancellor.

(2) The Chancellor may at any time direct an inspection of the University Institutions, including buildings, laboratories and other appurtenances, generally and for the purpose of seeing that the proceedings of the University are in conformity with the Regulation, the Statutes and the Ordinances.

(3) The Chancellor may, by order in writing, annul any proceeding which is not, in his opinion, in conformity with the Regulation, the Statutes or the Ordinances:

Provided that, before making any such order, he may call upon the University to show cause why such an order should not be made, and if any cause is shown within reasonable time, may consider the same.

THE PRO-CHANCELLOR.

8. The Chancellor may at any time appoint a Pro-Chancellor to exercise such powers and functions of the Chancellor as may be delegated to him by the Chancellor. The Pro-Chancellor shall, in all public functions connected with the University, take rank and precedence immediately after the Chancellor. Pro-Chancellor.

OFFICERS.

9. The officers of the University shall include— Officers of the University.

(*a*) the Vice-Chancellor,

(*b*) the Registrar, *and*

(*c*) such other officers as may be provided for by the Statutes.

10. (1) The Vice-Chancellor shall be appointed by, and shall hold office during the pleasure of, the Chancellor. Vice-Chancellor.

(2) The Vice-Chancellor shall take rank in the University next to the Pro-Chancellor and shall be *ex-officio* Chairman of the Senate, of the Council and of the Academic Council and of any committees appointed by the University of which he is a member. He shall be the principal executive Officer of the Senate, of the Council

and of the Academic Council. He shall, in the absence of the Chancellor and of the Pro-Chancellor, preside over the Convocation and confer degrees.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Regulation, the Statutes and the Ordinances are observed and carried out and he may exercise all powers necessary for this purpose.

(4) The Vice-Chancellor may, [with the sanction of the Government], take action in any emergency which in his opinion calls for immediate action. He shall, in such a case, and as soon as may be thereafter, report his action to the authority which would ordinarily have dealt with the matter.

(5) The Vice-Chancellor shall perform such *other* functions and exercise such other powers as may be defined in the Statutes and in the Ordinances.

Registrar.

11. The Registrar shall be appointed by the Government on the recommendation of the Council. He shall be the custodian of the records and of the common seal of the University on behalf of the Council. He shall act as Secretary to the Senate, to the Council and to the Academic Council and shall perform such other duties [and under such conditions] as may be prescribed by the Statutes or required, from time to time, by the Council *or by the Vice-Chancellor.*

AUTHORITIES.

Authorities.

12. The authorities of the University shall include :—

(a) the Senate,
(b) the Council,
(c) the Academic Council,
(d) the Faculties, and
(e) such other authorities as may be provided for in the Statutes.

THE SENATE.

Constitution.

13. (1) [The Senate shall consist of—

The Vice-Chancellor, and the other members of the Council mentioned in section 14,
The Registrar,
The Deans of the Faculties,
The University Professors,

Eight members elected by the outgoing Senate from among its members,

Four members elected by the Academic Council from among its members,

Six members elected by registered graduates from among themselves,

Four members elected by and from the Legislative Council,

Eight members elected by and from the Representative Assembly,

and remaining members to a total membership not exceeding 75 nominated by the Chancellor; provided that the Senate shall also include one representative each of such Municipalities and District Boards as contribute a sum of not less than Rs. 2,000 per annum to the University Fund for the general purposes of the University for a period of not less than five years, so long as the contributions continue.]

The Senate shall consist of—

CLASS I—Ex-officio Members.

(a) *The Vice-Chancellor and the other members of the Council mentioned in Section 14.*

(b) *The Registrar.*

(c) *The Deans of the Faculties.*

(d) *The University Professors.*

CLASS II—Selected Members.

(e) *Four members elected by the Academic Council from among its members.*

(f) *Four members elected by registered graduates from among themselves.*

(g) *Four members elected by and from the Legislative Council.*

(h) *Eight members elected by and from the Representative Assembly.*

CLASS III—Nominated Members.

(i) *Other members nominated by the Chancellor so as to make up along with members in classes I and II a total membership not exceeding seventy-five.*

CLASS IV—Additional Members.

(j) *One representative of each of such Municipalities, District Boards and Associations as undertake to contribute a sum of not less than Rs. 2,000 per annum for a period of not less than five years to the University Fund for the general purposes of the University so long as the contributions continue to be paid; and*

(k) *every person who contributes to the University Fund for the general purposes of the University a sum of not less than ten thousand rupees or transfers property of the like value. Every such person shall be a life member of the Senate.*

(2) The election of members of the Senate *coming under class II and the appointment of additional members under class IV* shall be subject to the approval of the Chancellor.

(3) The Chancellor may, on the representation of the Senate, cancel the appointment of any person as a member of the Senate, and as soon as such order is notified in the official gazette the said person shall cease to be a member of the Senate.

(4) The Senate shall be reconstituted every three years.

(5) *Except in such cases as are otherwise provided in the Statutes*, a member of the Senate shall hold his seat until the next reconstitution of the Senate or of the body he represents thereon, whichever takes place earlier.

(6) The Senate may institute and confer such degrees and grant such diplomas, licences, certificates and other distinctions under such conditions as may be prescribed by the Statutes and the Ordinances.

(7) The Senate shall *subject to the provisions of sections 20 and 21*, have power to make, amend or repeal Statutes, either of its own motion or on the motion of the Council and to consider or cancel Ordinances under conditions laid down by the Statutes.

(8) The Senate shall review [an] *the* annual report and the annual accounts of the University *which shall be placed before it by the Council* and shall consider the Budget according to the provisions of the Statutes.

(9) The Senate shall have power to co-operate with other Universities and authorities.

(10) The Senate shall discharge such other functions as may be assigned to it by the Regulation and the Statutes.

THE COUNCIL.

14. (1) The executive government of the University including the general superintendence and control over the institutions of the University, shall be vested in the Council; provided that the Government may by rules framed in this behalf from time to time reserve to themselves such powers relating to the appointment, punishment, removal and leave of the officers mentioned in section 16 as they may deem fit. Council Function and powers.

(2) The Council shall consist of fifteen members and shall include— Constitution.

(*a*) The Vice-Chancellor,

(*b*) The Director of Public Instruction in Mysore,

[The Principals of the constituent Colleges and the Superintendent of the Maharani's College, Mysore,]

(*c*) Three members elected [from and] by the Senate *from among its members who are not on the staff of the University*,

(*d*) Two members elected from and by the Academic Council,

(*e*) *Three heads of constituent colleges nominated by the Chancellor*,

(*f*) *Five other* [Three] members nominated by the Chancellor *of whom not more than one shall be employed on the staff of the University*.

(3) The Council shall be reconstituted every three years, after the reconstitution of the Senate; it shall continue to function until it is reconstituted.

(4) The Council shall have power—

(*a*) to propose Statutes for the consideration of the Senate, and

(*b*) to make Ordinances subject to the sanction of the Government provided that ordinances relating to academic matters shall not be considered by the Council except on the initiative of the Academic Council and that after consideration of academic ordinances drafted and recommended by the Academic Council, the Council shall have power to assent to, withhold assent from, to reject or to remit for further consideration by the Academic Council, such academic ordinances but not to modify them.

(5) The Council shall hold, control and administer the property *and funds* of the University.

(6) The Council shall *have the custody and shall* direct the use of the common seal of the University.

(7) The Council shall have power to accept donations and transfers of any movable or immovable property on behalf of the University.

(8) The Council shall be responsible for the maintenance of discipline in the University.

(9) The Council shall exercise such other powers and perform such other functions as may be prescribed by the Regulation, the Statutes or the Ordinances.

ACADEMIC COUNCIL.

Academic Council.

15. (1) The Academic Council shall be the academic authority in the University and shall, subject to the provisions of the Regulation, the Statutes and the Ordinances, be responsible for maintaining the standard of teaching and examination in the University.

(2) The Academic Council shall consist of—

The Vice-Chancellor,
The Director of Public Instruction in Mysore,
The Registrar,
The Principals of the Constituent Colleges,
The Superintendent of the Maharani's College, Mysore,
University Professors, Professors and *such* Assistant Professors [who] *as* are in full charge of subjects,
The Superintendents of Intermediate Colleges,
The University Librarian,
The Deans of Faculties,
Five members elected by and from the Senate,
Five members nominated by the Government.

(3) The Academic Council shall be reconstituted every three years, after the reconstitution of the Senate; it shall continue to function until it is reconstituted.

(4) The Academic Council shall have power to propose Ordinances relating to academic matters for the consideration of the University Council and to make bye-laws regarding courses, examinations and other academic matters assigned to it by the Regulation, the Statutes and the Ordinances.

(5) It shall be a function of the Academic Council to promote research within the University.

THE FACULTIES.

16. (1) The University shall include Faculties of Arts, Science, Engineering and Technology, *and* Medicine and such other Faculties as may from time to time be constituted by the Statutes. Faculties.

(2) The Faculties shall be constituted every three years from among the members of the Academic Council, each member of which body shall be assigned by [that body] *it* to one or more Faculties. Constitution.

(3) In addition to the members of the Academic Council assigned to the Faculties, the Academic Council shall appoint three teachers to each Faculty: and the Faculty so constituted shall have power to co-opt not more than three persons as members of the Faculty on the ground of their expert knowledge of subjects coming within the purview of the Faculty.

(4) Each Faculty shall act generally in an advisory capacity to the Academic Council in academic matters falling within its purview. Function.

(5) The Faculties shall perform such other functions as may be prescribed by the Regulation, the Statutes and the Ordinances.

(6) Each Faculty shall elect a Dean of that Faculty who shall preside as chairman at meetings of the Faculty and shall perform such other functions and duties as may be prescribed by the Regulation, the Statutes and the Ordinances. Dean.

THE UNIVERSITY INSTITUTIONS.

17. Colleges, Schools and other Institutions for study and research shall be maintained by the University according to the provisions of the Statutes. Institutions.

FINANCE AND CONTROL.

18. (1) *Subject to rules made by Government in this behalf* all grants made by the Government from time to time and all sums paid or endowments made by private persons or local authorities for the purposes of the University, together with all fees received and rents and profits and other income derived from the property and funds vested in the University shall form a fund styled the University Fund which shall be at the disposal of the University fund.

University to be employed for any of the purposes mentioned in this Regulation or in the Statutes or Ordinances.

(2) The University Fund shall be managed according to rules laid down in that behalf in the Statutes.

Powers of Government.

19. (1) *The Government shall have power at any time to order an audit of the accounts of the University by such auditors as it may direct.*

(2) If at any time the Government is of opinion that in any matter the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Regulation and the Statutes and the Ordinances framed thereunder, or that special measures are desirable to maintain the standard of university teaching or examination, it may indicate to the Council any matter in regard to which it desires an explanation and call upon that body to offer such explanation as they desire to offer within such time as may be prescribed. If the Council fail to offer any explanation within the time prescribed or offer an explanation which in the opinion of the Government is unsatisfactory, the Government may issue such instructions as appear to it to be necessary and desirable in the circumstances of the case and may exercise such powers as may be necessary for giving effect to those instructions.

THE STATUTES.

Statutes.

20. Subject to the provisions of this Regulation, the Statutes may provide for all or any of the following matters :—

(*a*) the powers and duties of the officers of the University other than the Chancellor and the Pro-Chancellor, in so far as these are not defined in the Regulation,

(*b*) the constitution, powers and duties of the authorities of the University in so far as these are not defined in the Regulation,

(*c*) the procedure to be followed in the matter of the nomination, the election and the continuance in office of members of the University authorities and the filling up of vacancies among members, in so far as these matters are not prescribed in the Regulation; and all other matters relating to these bodies which it may be necessary or desirable to provide,

(*d*) the degrees, diplomas, licences, certificates and other academic distinctions to be awarded by the University,

(*e*) the withdrawal or cancellation of degrees, diplomas, licences, certificates and other academic distinctions,

(*f*) all such other subjects as are required or authorised by the Regulation to be prescribed by means of Statutes.

21. [Statutes shall be made, amended or repealed by the Senate either on its own motion or on the motion of the University Council.]

Procedure for making Statutes.

(1) All proposals by the Senate to make, amend or repeal Statutes shall be submitted to the Government [for assent,] with the opinion of the University Council [and where necessary, of the Academic Council,] which shall have been already submitted to the Senate; It shall be open to Government to assent *to, or* withhold assent *from such proposals* or to remit *them* for further consideration.

(2) *No new Statute and no amendment or repeal of an existing Statute made by the Senate shall have effect until it is assented to by the Government.*

First statutes.

22. The First Statutes shall be those attached as Schedule A to this Regulation.

THE ORDINANCES.

Ordinances.

23. Subject to the provisions of the Regulation and the Statutes, the Ordinances may provide for any or all of the following, among other matters :—

(*a*) the direction of academic matters relating to courses of study and examinations,

(*b*) the discipline to be required of graduates and under-graduates,

(*c*) conditions of admission to the various courses of study,

(*d*) qualifying attendance required in the various courses,

(*e*) membership of the University and the duties and privileges attached thereto,

(*f*) the payment of fees to the University in relation to the enjoyment of privileges therefrom,

(*g*) the number and designations of officers of the University, their powers and duties and the terms for which they shall hold offices in so far as these matters are not provided for in the Regulation and the Statutes,

(*h*) the appointment and the prescription of the duties of Boards of Studies and Boards of Examiners,

(*i*) all such other subjects as are required or authorised by the Regulation and the Statutes to be prescribed by means of Ordinances.

Procedure for making ordinances.

24. The procedure to be followed in making Ordinances and in amending or repealing existing Ordinances shall be according to provisions made in that behalf in the Statutes.

MISCELLANEOUS.

Subsidiary rules.

25. The Senate, the Council, the Academic Council and other bodies that may be constituted under the Regulation, the Statutes and the Ordinances, may make such subsidiary rules, and bye-laws not inconsistent with this Regulation and the Statutes and the Ordinances in force as may be required to regulate the conduct of business entrusted to them severally.

Privileges, etc., of University employees.

26. Notwithstanding anything contained in this Regulation, all Professors, Assistant Professors and other officers and servants now employed in the Colleges and other Institutions of the University and all such as may be employed hereafter for carrying on the work of the University shall, unless a reservation to the contrary is made at the time of their employment, be deemed to be officers holding appointments under the Government and shall in all respects be governed by the rules framed by the Government and in force for the time being in respect of such officers.

Acts during vacancies.

27. No act or proceedings of the Senate, the Council, the Academic Council or other body constituted under the Regulation or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it at the time any such act or proceeding is done or passed.

TRANSITIONAL.

Continuation of present ordinances.

28. The Ordinances of the University of Mysore in force at the time of the coming into operation of this Regulation shall, so far as they may be applicable, remain

in force until they are replaced by Statutes and Ordinances to be framed under this Regulation.

29. In case of difficulty arising as to the first constitution or reconstitution of any authority of the University after the commencement of the operation of this Regulation or otherwise in *first* giving effect to its provisions, the Government may *by order do anything which appears to it necessary for the purpose of* [take such measures to] removing such difficulty. [as may appear to them necessary or desirable.] *Removal by Government of difficulties at the commencement of the Regulation.*

30. The Regulations mentioned in Schedule B are hereby repealed. *Repeal of enactments.*

Schedule A.

(SEE SECTION 22.)

First Statutes.

1. (*a*) The Vice-Chancellor shall have power to convene meetings of the Senate, the Council and the Academic Council and, when necessary, of any other University body. Vice-Chancellor; Power to convene meetings.

(*b*) *The Vice-Chancellor shall convene a meeting of the Senate on the requisition of any fifteen members.*

2. *The quorum for meetings of the Several University authorities shall be as follows:—*

The Senate	... *25*
The Council	... *7*
The Academic Council ...	... *20*
All other bodies	*Half of the strength of such bodies.*

3. [2] The Registrar shall conduct the official correspondence of the Senate, the Council and the Academic Council. He shall issue all notices convening meetings of the Senate, the Council, the Academic Council and the Faculties. He shall be empowered to sign agreements on behalf of the Council. He shall manage the property and investments of the University and the University Fund *under the directions* [subject to the control] of the Council. Registrar; Powers and duties.

University Institutions other than constituent colleges.

4. [3] In addition to the Constituent Colleges, the University shall maintain the following teaching institutions namely,

the Intermediate College, Mysore;
the Intermediate College, Bangalore;
[the Intermediate College, Tumkur;]
the Intermediate College, Shimoga;
the Maharani's College, Mysore;
the Intermediate College for Women, Bangalore;
the Medical School, Bangalore.

Degrees.

5. [4] The University may confer the following degrees:—

Bachelor of Arts	....	(B.A.)
Bachelor of Science	....	(B.Sc.)
Bachelor of Commerce	....	(B.Com.)
Bachelor of Engineering	....	(B.E.)
Bachelor of Medicine and Surgery	....	(M.B.B.S.)
Bachelor of Teaching	....	(B.T.)
Master of Arts	....	(M.A.)
Master of Science	....	(M.Sc.)
Doctor of Philosophy	....	(Ph.D.)
Doctor of Letters	....	(D.Litt.) Honoris Causa.
Doctor of Science	....	(D.Sc.) Honoris Causa.
Doctor of Laws	....	(LL.D.) Honoris Causa.

Honorary Degrees.

Conferment of Honorary Degrees.

6. [5] Where at a meeting of the Academic Council not less than eight members recommend that an honorary degree be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by the [University] Council and accepted by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the Senate shall confer the honorary degree on such person: *Provided that in case of urgency the Chancellor may act on the recommendation of the Council only.*

Cancellation of Degrees, etc.

7. [6] Where evidence is laid before the Council showing that any person on whom a degree, diploma, license, certificate or other distinction has been conferred or granted by the Senate, has been convicted of what in the opinion of the Council is a serious offence involving moral

delinquency and where at a meeting of the Council not less than eight members recommend to the Senate that the degree, diploma, license, certificate or other distinction be cancelled and where the recommendation is accepted by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the degree, diploma, license, certificate or other distinction shall be cancelled accordingly.

[University Fund.]

[7. The University Fund shall be managed by the Registrar on behalf of and under the control of the Council.]

Accounts of University Fund.

8. The Council shall cause to be maintained proper accounts relating to the University Fund.

Audit of accounts.

9. The Council shall arrange for the conduct of a detailed running audit by the Comptroller to the Government or by such other agency as may be determined by the Council of the accounts of the University including those of the institutions under it. It shall be competent to the University to make a contribution out of its funds towards the charges connected therewith.

Budget.

10. The Council shall have prepared and laid before the Senate at a meeting to be held not later than the month of April in each year accounts of receipts and expenditure of the University for the previous year ending the 30th June together with an estimate of the income and expenditure of the University for the year to commence on the 1st July following.

Senate to consider the Budget.

11. The Senate shall consider and pass resolutions on the budget estimates and shall communicate such resolutions to the Council. The Council shall take such action thereon as it thinks proper.

Budget to be submitted to the Government.

12. The budget estimates, after such consideration by the Senate and review by the Council shall be submitted to Government; and it shall be competent to Government to sanction the budget estimates with such modifications if any as they may deem fit.

Ordinances.

13. (i) Ordinances shall be of two kinds—

(*a*) academic

(*b*) administrative.

Procedure relating to making, amending and repealing.

(ii) Ordinances dealing with academic matters such as courses of study, examinations and the promotion of research shall be deemed to be academic ordinances.

(iii) Ordinances dealing with administrative matters such as elections, audits, inspections, fees, scholarships, free-studentships and such other matters as may be necessary for carrying on the administration shall be deemed to be administrative ordinances.

(iv) In the event of doubt arising as to the category in which an ordinance or a proposed ordinance should fall, the matter shall be decided in each such case by the ruling of the Vice-Chancellor.

Academic ordinances.

14. (1) Proposals to make new academic ordinances or to amend or repeal existing academic ordinances shall originate with the Academic Council. Such proposals as may be accepted by the Academic Council shall be forwarded to the Council, which may assent *to or* withhold assent *from such proposals* or remit them for further consideration.

(2) [Provided that] The Council may, in case of urgency, dispose of academic matters which cannot wait. The Council shall, in such cases, report its action to the Academic Council at its next meeting. It shall be open to the Academic Council, to cancel such action, but without retrospective effect.

Administrative Ordinances.

15. Proposals to make new administrative ordinances or to amend or repeal existing administrative ordinances shall originate with the Council. The Council may proceed to make and to bring into effect from such date as the Council may appoint any Ordinance, whether originating with the Council or with the Academic Council *provided that before any ordinance is brought into effect it shall be submitted to the Government and it shall be competent to the Government to disallow it or suspend its operation pending consideration by the Senate.*

Ordinances to be considered by the Senate.

16. All Ordinances passed by the Council shall be submitted to the Senate at the next meeting of the Senate for consideration provided that a member of the Senate may give notice of a proposition in the nature of an Ordinance, [Academic or otherwise,] which may be referred by the Senate, with or without discussion, to the Council or to the Academic Council, as the case may be: and the latter shall proceed with the proposition as in the case of a proposal initiated by itself.

Academic Ordinances to be submitted to the Senate.

17. All proposals relating to Ordinances forwarded by the Academic Council to the Council, whether approved

by the latter or not, shall be submitted to the Senate at the next regular meeting of the Senate.

Procedure of Senate in regard to Ordinances.

18. The Senate may deal with Ordinances or proposals in respect of Ordinances submitted to it by the Council in any one of the following ways:—

(*a*) the Senate may assent;

(*b*) the Senate may cancel by a two-thirds majority of the members present at the meeting at the time of voting;

(*c*) the Senate may by a two-thirds majority of the members present at the meeting at the time of voting remit for further consideration, with or without suggestion for amendment;

(*d*) in the case of proposals affecting Ordinances emanating from the Academic Council and submitted by the Council in respect of which there is disagreement between the Academic Council and the Council [including cases of rejection or of withholding assent by the Council,] it shall be open to the Senate to assent or not to assent; but not to amend.

Assent of Government to proposals relating to Ordinances necessary.

19. Ordinances which have received the assent of the Senate, or which have not been cancelled or remitted by it for further consideration shall be submitted to the Government *who may sanction or reject or remit them for further consideration.* [for sanction or remission for further consideration.]

Council duties of.

20. Besides the duties assigned to it by the Regulation, the Council *shall exercise the following functions* :—

(*a*) [shall] award stipends, scholarships, medals, prizes and other awards in conformity with the Ordinances and under the prescribed conditions;

(*b*) [shall] appoint the teachers of the University and fix their emoluments and conditions of service in accordance with rules made by the Government on this behalf;

(*c*) [shall] appoint the following, among other necessary Boards and Committees :—

Boards of Studies, Boards of Examiners, Students Residence Committees, Extension Lectures Committee, Union Committees, University Library Committee and the like;

(*d*) [shall] order examinations in conformity with the Ordinances and appoint examiners after considering

the recommendations of the Boards of Studies and the Academic Council;

(*e*) [shall] declare the results of the examinations and recommend for degrees, honours, diplomas, licences, certificates and other marks of distinction;

(*f*) [shall] maintain a list of graduates;

[(*g*) shall frame the financial estimates of the University and submit them to the Senate;]

[(*h*) shall submit the annual accounts and an annual report to the Senate.]

Academic Council, duties of.

21. The Academic Council—

(*a*) shall make proposals for the organisation of courses of instruction in the University and shall be responsible for teaching work in the University and in general for purely academic questions;

(*b*) shall have control and general regulation of the standards of instruction, education and examination;

(*c*) shall make proposals for the conduct of University examinations and shall recommend to the Council the appointment of examiners;

(*d*) shall advise the Council in regard to students' fees for instruction and examination; and in regard to all subjects relating to teaching, examination and academic discipline;

(*e*) shall co-operate with other Universities or with Inter University organizations in such work as is germane to the University.

Schedule B.

(SEE SECTION 30.)

Year.		*Number*	*Short title.*	*Extent.*
1916	...	V	The Mysore University Regulation.	The whole.
1919	...	II	Regulation to amend the Mysore University Regulation, 1916.	Do
1923	...	XIV	Do	Do
1925	..	I	Do	Do
1927	...	III	Do	Do
1928	...	II	Do	Do

No. P. 2464, *dated* 31*st October* 1932.

Under Standing Order 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Bill to impose a Tax on Entertainments and other Amusements is published for general information with the Bill as amended by them.

By Order,

N. MADHAVA RAO,

Chief Secretary to Government.

Report of the Select Committee appointed to consider the Amusements Tax Bill.

We, the undersigned Members of the Select Committee to which the Bill to impose a tax on entertainments and other amusements was referred, have considered the Bill and have the honour to submit this, our report with the Bill as amended by us, annexed hereto.

We are in agreement with most of the provisions in the Bill. We have dealt with only the main amendments made by us in this report. The other minor changes which are mostly verbal have been indicated in the bill as amended, annexed hereto.

Preamble.—We have omitted the words "to make an addition to the public revenue and the revenue of the local authorities in Mysore and for that purpose" from the preamble as being unnecessary.

Clause 2 (1).—We consider that persons taking part in an entertainment ought to be excluded from the operation of the Regulation and we have accordingly deleted the words "and admission for the purpose of amusement by taking part in an entertainment" from the definition.

We have substituted the word "body" for "board" in the definition of the expression "local authority" so as not to exclude any local body constituted under any Regulation in force, from the definition.

Clause 3.—We consider that the fixed percentage of tax proposed in the Bill will be a great hardship and that it should be flexible and capable of being varied as the conditions and circumstances demand. We have accordingly revised sub-clause (1) so as to provide for a levy at a rate not exceeding 25 per cent.

Sub-Clause (2) may with advantage form part of the first sub-clause as a proviso to it. As the taxable minimum of eight annas proposed in the Bill would exclude a very large class of people resorting to entertainments, we have fixed the minimum at four annas instead of eight annas. The rate of entertainments tax to be levied may be fixed by the Government from time to time and the Government may also be empowered to fix different rates for different classes of entertainments and for different local areas. We have, therefore, suggested the addition of a sub-clause to this effect.

In view of the above alterations in the clause, there will be no need for the present sub-clauses (3) and (5).

Sub-clause (4) is also revised so as to empower the Government to frame rules for consolidation of payments of the tax.

The clause as revised will read as follows :—

(1) "There shall as from the first day of 193 , be charged, levied and paid to the Government a tax hereinafter referred to as the entertainments tax, at a rate not exceeding twenty five per cent on all payments for admission to any entertainment, provided that the tax shall not be leviable where the payment for admission is less than four annas.

(2) Subject to the provisions of sub-section (1), the rate of the entertainments tax shall be fixed by the Government by notification from time to time and it shall be competent to the Government to fix different rates for different classes of entertainments or for different areas.

(3) The Government may, on the application of a proprietor of any entertainment in respect of which the entertainments tax is payable under sub-section (1), allow the proprietor on such conditions as they may prescribe, to pay the amount of the tax due by means of a consolidated payment fixed in such manner as may be prescribed by rules framed by the Government in this behalf."

Clause 10.—We are of opinion that the Government should not delegate to any other authority the power given to them under section 3 to fix the rate of the tax and have accordingly inserted section 3 also in the exception to this clause.

Clause 14.—Since the Government have declared that the proceeds of this tax, deducting the charges of collection and administration of the Regulation, will be made over to the local bodies, the clause has been suitably altered to bring out this idea by adding a proviso at the end.

The clause as amended reads as follows:—

"The Government may apportion the proceeds of the entertainments tax in any local area between the local authorities and itsef in such a portion as it may determine by general or special orders or by rules made in this behalf.

Provided that the portion of the entertainments tax kept to itself by the Government shall be limited to the expenses incurred by the Government towards the cost of collection of the tax and for the administration of this Regulation, the amount of such expenses being determined by Government in such manner as it may deem fit."*

We recommend, that the Bill as amended by us may be republished.

K. Matthan, (*Chairman*).
N. Madhava Rao,
N. S. Subba Rao,
B. Abdur Rahmon,
D. S. Mallappa,
H. C. Dasappa,
G. Channappa,
B. K. Garudachar.

BANGALORE,
Dated 26th October 1932.

* Mr. F. A. Hamilton, the other members of the Committee, was unable to be present at the meeting.

Bill as amended by the Select Committee.

[*N.B.*—Portions omitted by the Committee are enclosed in square brackets and portions added are printed in italics.]

Bill to impose a Tax on Entertainments and other Amusements.

Preamble.

Whereas it is expedient to make an addition [to the public revenue and the revenue of the local authorities in Mysore and for that purpose] to impose a tax on Entertainments, and other Amusements, it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Amusements Tax Regulation, 193 .

(2) It extends to the whole of Mysore.

(3) It shall come into force in such local areas and from such dates as the Government may by notification [in the *Official Gazette*] direct.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "admission" includes admission as a spectator or as one of an audience; [and admission for the purpose of amusement by taking part in an entertainment;]

(2) "admission to an entertainment" includesadmission to any place in which the entertainment is held;

(3) "agriculture" includes horticulture and live-stock breeding;

(4) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment;

(5) "live-stock" includes animals of every description;

(6) "local authority" means a municipal council or a local [board] *body* constituted under any enactment for the time being in force;

(7) "notification" means a notification published in the *Official Gazette*;

(8) "payment for admission" includes any payment made by a person who having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving a tax or a higher rate of tax is required, and any payment for seats or other accommodation in a place of entertainment;

(9) "proprietor" in relation to any entertainment,

includes any person responsible for the management thereof; and

(10) "society" includes a company, institution, club or other association of persons by whatever name called.

Tax on payments for admission to entertainments.

3. (1) [Except as otherwise expressly provided in this Regulation] There shall as from the first day of 193 ; be charged, levied, and paid to the Government a tax, hereinafter referred to as the entertainments tax, at [the] *a* rate [of] *not exceeding* twenty-five per cent on all payments for admission to any entertainment.

Provided that the [entertainments] tax shall not be leviable where the payment for admission is [not more] *less* than *four* [eight] annas.

(2) *Subject to the provisions of sub-section* (1), *the rate of entertainments tax shall be fixed by the Government by notification from time to time and it shall be competent to the Government to fix different rates for different classes of entertainments or for different areas.*

[(3) The rate of the entertainments tax in the case of payments for admission to any theatre, cinematograph, exhibition, or circus or any class of entertainment to which the Government may apply this sub-section on the ground that the rates specified in sub-section (1), would impose an undue burden on the industry involved, shall be as follows, namely :—

Where the payment excluding the amount of tax—

(i) is more than eight annas but is less than twelve annas ...	one anna
(ii) is twelve annas or more but is less than one rupee eight annas ...	two annas
(iii) is one rupee eight annas or more but is less than two rupees eight annas ..	four annas
(iv) is two rupees eight annas or more but is less than three rupees eight annas ...	eight annas
(v) is three rupees eight annas or more but is less than four rupees eight annas ..	twelve annas
(vi) is four rupees eight annas or more but is less than six rupees eight annas ...	one rupee
(vii) is six rupees eight annas or more but is less than nine rupees eight annas ..	one rupee eight annas
(viii) is nine rupees eight annas or more but is not more than ten rupees ...	two rupees
(ix) is more than ten rupees, for the first ten rupees and for every ten rupees or part of ten rupees over ten rupees ..	two rupees]

(3). [(4)] The Government may, on the application of a proprietor of any entertainment in respect of which the entertainments tax is payable under sub-section (1), allow the proprietor on such conditions as they may prescribe to pay the amount of the tax due by means of a consolidated payment *fixed in such manner as may be prescribed by rules framed by the Government in this behalf.* [of twenty per centum of the gross sum received by the proprietor on account of payments for admission to the entertainment and on account of the tax.]

[(5) The entertainments tax, in the case of theatres, cinematograph, exhibitions and circuses and any other class of entertainment which the Government may direct, shall be charged, levied and paid with effect from the first of 193 .]

Admission to entertainments.

4. No person shall be admitted for payment to any entertainment where the payment is subject to the entertainments tax, except—

(*a*) with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by the Government for the purpose of revenue and denoting that the proper entertainments tax has been paid; *or*

(*b*) in special cases, with the approval of the Government, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted,

unless the proprietor of the entertainment has made arrangements approved by the Government for furnishing returns of the payments for admission to the entertainments and has given security up to an amount and in a manner approved by the Government for the payment of the entertainments tax.

Penalty for non-payment of tax.

5. If any person is admitted for payment to any place of entertainment and the provisions of section 4 are not complied with, the proprietor of the entertainment to which such person is admitted shall, on conviction before a magistrate, be liable in respect of each such offence to a fine not exceeding five hundred rupees, and shall, in addition, be liable to pay any tax which should have been paid.

Sections 4 and 5 not to apply in certain cases.

6. The provisions of sections 4 and 5 shall not apply to any entertainment in respect of which a consolidated payment is made under section 3, sub-section (3).

7. (1) The entertainments tax shall be charged in respect of each person admitted for payment, and, in the case of admission by stamped ticket, shall be paid by means of the stamp on the ticket and, in the case of admission otherwise than by stamped ticket, shall be calculated and paid on the number of admissions. Manner of payment.

(2) The entertainments tax, in the case of admission otherwise than by stamped ticket, shall be recoverable from the proprietor.

(3) Where the payment for admission to an entertainment is made by means of a lumpsum paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, or for any privilege, right, facility or thing combined with the right of admission to any entertainment, or involving such right of admission without further payment or at a reduced charge, the entertainments tax shall be paid on the amount of lumpsum, but where the Government are of opinion that the payment of a lumpsum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to any entertainment, or covers admission to an entertainment during any period for which the tax has not been in operation, the tax shall be charged on such an amount as appears to the Government to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

8. (1) The entertainments tax shall not be charged on payments for admission to any entertainment where the Government are satisfied:— Exemptions.

(*a*) that the whole of the takings thereof are devoted to philanthropic, religious or charitable purposes without any charge on the takings for any expenses of the entertainments; or

(*b*) that the entertainment is of a wholly educational character (any question on that point to be determined in the case of difference by the Government); or

(*c*) that the entertainment is provided for partly educational or partly scientific purposes by a society, not conducted or established for profit; or

(*d*) that the entertainment is provided by a society which is established solely for the purpose of promoting the interest of the industry of agriculture, or the

manufacturing industry, or some branch thereof, or the public health and which is not conducted for profit, and consists solely of an exhibition of the products of the industry, or branch thereof, for promoting the interests of which the society exists or of materials, machinery, appliances, or foodstuffs, used in the production of those products, or of articles which are of material interest in connection with the questions relating to the public health, as the case may be.

(2) The Government may, by general or special order, exempt any entertainment or class of entertainments from liability to the entertainments tax.

Refunds in certain circumstances.

9. Where the Government are satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic, religious or charitable purposes, and that in calculating the net proceeds not more than twenty-five per cent of the gross proceeds have been deducted on account of the expenses of the entertainment, they *may* [shall] repay to the proprietor the amount of the entertainments tax paid in respect of the entertainment.

Recoveries.

10. (1) Any sum due on account of the entertainments tax shall be recoverable by the Government as a revenue demand.

(2) Any fine imposed under this Regulation shall be recovered in the manner provided in the Code of Criminal Procedure, 1904, for the recovery of fines.

Inspection.

11. (1) Any officer authorised by the Government for the purpose may enter any place of entertainment while the entertainment is proceeding and any place ordinarily used as a place of entertainment at any reasonable time, with a view to seeing whether the provisions of this Regulation, or any rules made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of any officer so authorised, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction before a magistrate to a fine not exceeding two hundred rupees.

(3) Every officer authorised under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, as in force in Mysore.

Rules.

12. (1) The Government may make rules for securing the payment of the entertainments tax and generally for

carrying into effect the provisions of this Regulation and in particular—

(*a*) for the supply and use of stamps or stamped tickets, or for the stamping of tickets sent to be stamped; and for securing the defacement of stamps when used;

(*b*) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon; and for the payment of the tax on the transfer from one part of a place of entertainment to another and on payments for seats or other accommodation;

(*c*) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount), and for securing proper records of admission by means of barriers or mechanical contrivances;

(*d*) for the checking of admissions, the keeping of accounts and the furnishing of the returns by the proprietors of entertainments to which the provisions of section 3, sub-section (3), are applied or in respect of which the arrangements approved by the Government for furnishing returns are made under section 4;

(*e*) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund under this Regulation or under the rules made thereunder;

(*f*) for the keeping of accounts of all stamps used under this Regulation; and

(*g*) for the presentation and disposal of applications for exemption from payment of the entertainments tax, or for the refund thereof, made under the provisions of this Regulation.

(2) If any person acts in contravention of, or fails to comply with, any such rules, he shall, on conviction before a magistrate, be liable in respect of each offence to a fine not exceeding five hundred rupees.

Power of Government to delegate certain powers.

13. The Government may, by notification, [in the *Official Gazette*,] delegate all or any of their powers under this Regulation, except those conferred upon them by sub-section (3) of section 1, *by section 3*, by section 12, and by this section, to any person or to any authority subordinate to the Government.

14. Government may apportion the proceeds of the entertainments tax in any local area between the local authorities and itself in such a proportion as it may

determine by general or special orders or by rules made in this behalf;

Provided that the portion of the entertainments tax kept to itself by the Government shall be limited to the expenses incurred by the Government towards the cost of collection of the tax and for the administration of the Regulation, the amount of such expenses being determined by the Government in such manner as it may deem fit.

No. P. 2604—*Legis.* 20-32-5, *dated Bangalore, 7th November* 1932.

In exercise of the powers conferred by section 13 of the Mysore Motor Vehicles Regulation, IV of 1913, the Government of His Highness the Maharaja are pleased to exempt all Municipal lorries which are being used solely for public purposes and not for purposes of profit from payment of fees for renewal of registration.

By Order,

R. RANGA RAO,

Chief Secretary to Government.

No. Rl. 2708—L.C. Bangalore, dated 3rd November 1932.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the Criminal Law is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

Regd. No. M. 1175

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The Mysore Gazette

Vol. 67.] PUBLISHED BY AUTHORITY. [No. 46

BANGALORE, THURSDAY, NOVEMBER 24, 1932.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Rl. 2910—L. C. Bangalore, dated 18th November 1932.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Co-operative Societies Regulation, VII of 1918, is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary, Legislative Council.

A Bill further to amend the Mysore Co-operative Societies Regulation, VII of 1918.

Whereas it is expedient further to amend the Mysore Co-operative Societies Regulation VII of 1918, as amended by Regulation V of 1929; It is hereby enacted as follows:

This Regulation may be called the Mysore Co-operative Societies (Amended) Regulation, 193 .

Amendment of section 2.

1. In section 2, insert the following as definition (d) and renumber definitions (d), (e), (f) and (g) as (e), (f), (g) and (h) respectively :—

(d) "financing bank" means a registered society the main object of which is to lend money to other registered societies;

Substitution of a new section for section 13.

2. Substitute the following for section 13 :—

(1) No member of any registered society shall have more than one vote in the affairs of the society provided that in the case of an equality of votes, the Chairman shall have a casting vote.

(2) A registered society which has invested any part of its funds in the shares of another society, may appoint any of its members not disqualified for appointment under any rules prescribed in that behalf to vote in the affairs of such other society.

Amendment of section 17.

3. Delete the words 'inspection and enquiry' from the marginal heading of section 17.

After the words 'if any' in line 2 of sub-section 2 of section 17, insert the following :—

"the verification of cash balance and securities."

Substitute the following for sub-section (3) :—

(3) "The Registrar or the person authorised by him under sub-section (1) shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof."

(4) "Every officer or member of the society shall furnish such information in regard to the transactions and working of the society as the Registrar or the person authorised by him under sub-section (1) may require."

4. Substitute 'Inquiry and inspection' for the heading 'Inspection of affairs' above section 35.

Amendment of section 35.

Delete the words "on the request of the Deputy Commissioner or" in line 2 of sub-section (1) of section 35.

Substitute the following for sub-section (2) of section 35 :—

(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers; namely—

(a) He shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

(b) He may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath.

(c) (i) He may, notwithstanding any rule or by-law prescribing the period of notice for a general meeting of the society, require the officers of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him. If the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself.

(ii) Any meeting called under clause (i) shall have all the powers of a general meeting called under the by-laws of the society and its proceedings shall be regulated by such by-laws.

(iii) When an enquiry is made under this section, the Registrar shall communicate the result of the enquiry to the financing bank, if any, to which the society is indebted.

5. Substitute the following for section 36 :

Substitution of a new section for section 36.

Inspection of books by Registrar.

(1) The Registrar may, on the application of a creditor of a registered society, inspect or direct some person authorised by him in this behalf by a general or special order in writing to inspect the books of the society and the Registrar or the person so authorised shall have all the powers of the Registrar when holding an enquiry under section 35.

(2) No inspection shall be made or directed under sub-section (1) unless the creditor—

(a) satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time ; and

(b) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(3) When an inspection is made under sub-section (1), the Registrar shall communicate the results of such inspection to the creditor and to the financing bank, if any, to which the society is indebted.

Addition of a new section 36-A.

6. Insert the following as section 36-A.

Inspection of books by financing bank.

A financing bank shall have the right to inspect the books of any registered society which is indebted to it. The inspection may be made either by an officer of the financing bank or by a member of its paid staff certified by the Registrar as competent to undertake such inspection. The officer or member so inspecting shall at all reasonable times have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may also call for such information, statements and returns as may be necessary to ascertain the financial condition of the society and the safety of the sums lent to it by the financing bank.

Amendment of section 37.

7. Add the words "and inspection" to the marginal heading of section 37.

Insert the words "after giving the parties an opportunity to be heard" after the word 'may' in line 2 of section 37.

Add the following at the end of section 37 :

"Costs may also be awarded by the Registrar to the financing bank in the case of inspection under section 36-A by the financing bank."

Addition of a new section 38-A.

8. Introduce the following as section 38-A.—

Supersession of Committee of Society.

38-A. (1) If, in the opinion of the Registrar, the committee of any registered society is not functioning properly, he may, after giving an opportunity to the committee to state its objections, if any, by order in writing, dissolve the committee and appoint a suitable person or persons to manage the affairs of the society for a specified period not exceeding two years. The period specified in such order may, at the discretion of the Registrar, be extended from time to time, provided that such order shall not remain in force for more than four years in the aggregate.

(2) The person or persons so appointed shall have power, subject to the control of the Registrar, to recover the assets and discharge the liabilities of the society and take such action as may be required in its interests.

(3) The Registrar may fix the remuneration payable to the person or persons so appointed. The amount of such remuneration and other costs, if any, incurred in the management of the society, shall be payable from its funds.

(4) The person or persons so appointed shall, at the expiry of the period of his or their appointment, arrange for the constitution of a new committee in accordance with the by-law of the society.

(5) Before taking action under sub-section (1) in respect of any society, the Registrar shall, if the society is indebted to a financing bank, consult such bank regarding such action and the provision to be made for the management of the affairs of the society.

(6) Nothing in this section shall be deemed to affect the powers of the Registrar to cancel the registration of the Society under section 39.

Amendment of section 42.

9. Substitute the following for sub-section (1) of section 42:—

42 (1) Where the Registrar has passed an order under section 39 or section 40 for the winding up of a co-operative society, he may forthwith appoint a competent person to be liquidator and fix his remuneration and such person, notwithstanding anything in section 39 relating to the time when the order for winding up shall take effect, shall have power to take immediate possession of all assets belonging to the society and of all books, records and other documents pertaining to the business thereof and to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.

Insert the following words "as soon as the order of winding up takes effect" after the word "shall" in line 2 of sub-section (2) of section 42.

Delete sub-section (3) of section 42 and re-number sub-sections (4), (5) and (6) as (3), (4) and (5) respectively.

Addition of new sections 42-A and 42-B.

10. Introduce the following as sections 42-A and 42-B.

Surcharge and Attachment.

Surcharge.

42-A. (1) When in the course of an audit under section 35 or an inspection under section 36 or the winding up of a society, it appears that any person who has taken part in the organization or management of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the District Court having jurisdiction over the area in which the headquarters of the society are situated on application made by the party aggrieved within three months of the date of receipt of the order by him.

(3) Any sum ordered under this section to be repaid to a society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf to the Deputy Commissioner by the Registrar in the same manner as arrears of Land Revenue.

(4) This section shall apply notwithstanding such person or officer may have incurred criminal liability by his act.

At achment of property.

42-B. Where the Registrar is satisfied on the application of the liquidator or otherwise that any person with intent to defeat or delay the execution of any order that may be passed against him under clause (*b*) of sub-section (3) of section 42 or section 42 A.—

(*a*) is about to dispose of the whole or any part of his property ; or

(*b*) is about to remove the whole or any part of his property from the jurisdiction of the Registrar, the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof

as he thinks necessary and such attachment shall have the same effect as if it had been made by a competent civil court.

11. Introduce the following as section 43-A. Addition of a new section 43 A.

Arbitration.

43-A. (1) If any dispute touching the business of a registered society (other than a dispute regarding disciplinary action taken by the society or its committee against a paid servant of the society) arises:— Disputes.

(*a*) among members, past members and persons claiming through members, past members and deceased members, or

(*b*) between a member, past member or person claiming through a member, past member, or deceased member, and the society, its committee or any officer, agent or servant of the society, or

(*c*) between the society or its committee and any officer, agent or servant of the society, or

(*d*) between the society and any other registered society,

such dispute shall be referred to the Registrar for decision.

Explanation.—A claim by a registered society for any debt or demand due to it from a member, past member, or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the society within the meaning of this sub-section.

(2) The Registrar may, on receipt of such reference

(*a*) decide the dispute himself, or

(*b*) subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators.

(3) Subject to such rules as may be prescribed, the Registrar may withdraw any reference referred under clause (*b*) of sub-section (2) and deal with it in the manner provided in the said sub-section.

(4) Where the Registrar is satisfied that a party to any reference made to him under sub-section (1), with intent to defeat or delay the execution of any decision that may be passed thereon—

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary, and such attachment shall have the same effect as if it had been made by a competent civil court, provided, however, that if during the continuance of the conditional attachment, the party furnishes adequate security the attachment so placed shall be withdrawn.

(5) The Registrar may, of his own motion or on the application of a party to a reference, revise any decision thereon by the arbitrator or arbitrators to whom it was referred.

(6) (*a*) Any decision passed by the Registrar under clause (*a*) of sub-section (2) or under sub-section (5) shall be final and shall not be called in question in any civil or revenue court.

(*b*) any decision that may be passed by the arbitrator or arbitrators to whom a reference is referred shall, save as otherwise provided in sub-section (5), be final and shall not be called in question in any civil or revenue court.

Addition of a new Section 43-B.

12. Introduce the following as section 43-B.

Money how recovered.

(1) Every order passed by a liquidator under section 42 or by the Registrar or his nominee or arbitrators on disputes referred to him or them under section 43-A shall, if not carried out, be executed—

(*a*) on a certificate signed by the Registrar or a liquidator, by any civil court in the same manner as a decree of such court, or

(*b*) according to the law and under the rules for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Deputy Commissioner and shall be accompanied by a certificate signed by the Registrar or by an Assistant Registrar to whom the said power has been delegated by the Registrar.

(2) When the property attached in execution of an order referred to in sub-section (1) cannot be sold for want of buyers, the same may be handed over to a registered society with the previous consent of the Registrar on such terms and conditions as may be agreed upon between the Deputy Commissioner and the said society.

13. Introduce the following as sections 43-C., 43-D., 43-E. and 43-F. Addition of new Sections 43-C., 43-D., 43-E., and 43-F.

OFFENCES AND PENALTIES.

43-C. It shall be an offence under the Regulation if— Offences.

(*a*) a registered society or an officer or member thereof, wilfully makes a false return, furnishes false information; or

(*b*) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Regulation or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Regulation.

43-D. Any member or past member or the nominee, heir or legal representative of a deceased member contravening the provisions of section 19 by fraudulently disposing of any property in respect of which the society is entitled to claim priority under that section or doing any other act to the prejudice of such claim, shall be punishable with fine not exceeding two hundred rupees. Punishment for disposing of property in contravention of Section 19.

43-E. Any registered society or any officer or member thereof or any other person guilty of an offence under this Regulation for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees. Punishment for offences not otherwise provided for.

43-F. (1) No court inferior to that of a magistrate of the first class shall try any offence under this Regulation. Cognisance of offences.

(2) Every offence under this Regulation shall, for the purposes of the Code of Criminal Procedure, be deemed to be non-cognisable.

(3) No prosecution shall be instituted under this Regulation without the previous sanction of the Registrar. Such sanction shall not be given without giving the party concerned an opportunity to be heard.

14. Introduce the following as section 43-G :— Addition of a new section 43-G.

43-G. The Government or the Registrar may call for and examine the record of any enquiry or the proceedings of any officer subordinate to them for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the Power of Government and Registrar to call for proceedings and to pass orders thereon.

proceedings of such officer. If in any case it shall appear to the Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled or reversed, the Government or the Registrar, as the case may be, may pass such order thereon as to it or him may seem fit.

Amendment of section 44.

15. For clause (*l*) of sub-section (2) of section 44, substitute the following :—

(*e*) Provide for—

(*i*) the appointment of an arbitrator or arbitrators to decide disputes;

(*ii*) the procedure to be followed in proceedings before the Registrar, arbitrator, or arbitrators, including the appointment of a guardian for a party to the dispute who is a minor, or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests;

(*iii*) the levy of the expenses incidental to such proceedings; and

(*iv*) the enforcement of the decisions or awards in such proceedings.

Amendment of section 52.

16. Substitute the following for sub-section (1) of section 52.—

52. "Co-operative Land Mortgage Bank" or "Bank" means a Co-operative Bank or society formed primarily for granting loans either directly by itself or through other societies affiliated to it on the mortgage of agricultural land for the liquidation of prior debts of agriculturists or for the improvement or better cultivation of agricultural land.

Delete sub-section (2) and re-number sub-section (3) as sub-section (2) of the same section.

Amendment of section 53.

17. Delete clauses (*a*) and (*b*) of section 53.

Delete the words "with the sanction of Government" and "the Board of Supervision" in clause (*o*) of the same section.

Amendment of section 54.

18. For the words "one member" in line 5 of section 54, substitute "two members."

Delete the words "and one member to the Board of Supervision" in line 6 of section 54.

Amendment of section 55.

19. Delete the words "and of the Board of Supervision" in lines 3 and 4 of section 55.

20. In sub-section (2) of section 58, delete the words "for the redemption of subsisting mortgages or for the liquidation of other prior debts" in lines 1 and 2; Amendment of section 58.

substitute "any" for "either" in line 4, and

for the figure "2" in line 5, substitute "1 (a), (b) and (c)."

21. Delete clause (a) and the words "and the Board of Supervision" in clause (d) of section 66. Amendment of section 66.

Substitute the following for clause (c) of section 66:—

"The mutual rights and obligations of primary Land Mortgage Banks and Central Land Mortgage Banks which conduct their business through the former."

Re-number clauses (b) (c) and (d) as clauses (a), (b) and (c).

22. In section 67, delete the words "and Local Land Mortgage Societies." Amendment of section 67.

Statement of Objects and Reasons.

The existing law in Mysore is contained in the Mysore Co-operative Regulation, VII of 1918, which is based on the Government of India Act of 1912 and in Regulation V of 1929. As a result of the experience gained so far in the working of the Regulation, it is considered necessary to amend the law and make suitable additions and alterations in certain respects. The changes proposed are specified below:—

The main function of some of the Co-operative Banks has been to finance Co-operative Societies and such banks have naturally an interest in the efficient administration of the Societies financed by them. Under the existing Regulation, such Banks have no power to inspect the accounts of their constituent Societies. It is therefore considered necessary to define such Banks and to empower them to inspect the accounts of the Societies indebted to them. Section 2 and 36 A.

In respect of Voting by members of Societies, the existing Regulation permits plurality of Votes for members in the case of limited liability Societies if the bye-laws provide for the same, while such plurality of Votes is not permissible in the case of unlimited liability Societies. Plurality of Votes being opposed to the well recognised principle of co-operation *viz.*, "one man, one Vote," and Voting by proxy being undersirable, it is proposed to New Section 13.

amend Section 13 on the lines of the provisions contained in the Bombay and Burma Acts.

Section 17.

The existing Statutory requirements for the audit of Co-operative Societies are contained in Section 17 of the Regulation. Experience has shown that in the interests of good management and proper audit of the Societies, it is necessary to provide for verification of cash balances and securities held by Societies, and for power to summon any officer or member of the Society to furnish information or to produce the books, etc., required for audit. It is therefore proposed to alter clauses (2) and (3) of Section 17 and add a new clause (4) under that Section. The amendments proposed in this respect are similar to the provisions made in the Bombay and Burma Acts.

Section 35.

It has been represented that during inspections and enquiries held by Departmental Officers the books, accounts and other records are not readily made available and there is no provision in the existing law either to enforce the production of documents, books, etc., or to examine witnesses, on oaths during enquiry. It may also be necessary for the officer to call for an emergent or general meeting for the purposes of enquiry.

It is therefore proposed to substitute a new Section for Section 35 by adopting the provisions contained in Section 38 of the Madras Act.

Section 36.

Inspection under Section 36 is now obligatory and it is found expedient to make it permissible and hence the change proposed to be introduced. Audit, enquiry and inspections are separate matters and it is desirable to make independent and complete provisions in regard to them as in the latest Madras Act. This partly accounts for the changes proposed in Section 36.

Section 37.

In view of the facilities to be afforded to financing banks, it is proposed to insert a clause at the end of Section 37.

Section 38 A.

In many cases it is found that the Committees of management do not perform their functions properly and the interests of the Societies suffer by their negligence, or by dishonest handling of the funds of societies by them. The general bodies do not often take the trouble to appoint new committees. The cancellation of registration of such societies would be too drastic a course of action to be taken. It is therefore desirable to provide, as in the Madras law, for the temporary supersession of committees

for reducing the affairs of the societies to order and for the subsequent restoration of their management to new committees. A new Section 38-A has accordingly been inserted.

It is found by experience that the liquidation proceedings take an unusually long time specially when an appeal has been preferred. The amendment proposed in Section 42 (1) follows the provisions of Section 47 of the Burma Act of 1927 and is intended to enable the liquidator to take charge of the properties and the business of the Society when an order of winding- up is passed, even though it may be under appeal and may not have taken effect. It is formally provided also that the Registrar may fix the remuneration of the liquidator. Section 42 (1)

Sub-section (3) is omitted in view of the general provision made for this purpose elsewhere. Section 42 (3)

Emergent action will be necessary to effect recoveries of misappropriated moneys from delinquent promoters, managers and officers, etc., of Societies. Otherwise recoveries of such amounts would be impossible much to the detriment of the Societies. It is therefore proposed to include a new section on surcharge as in Section 49 of the Madras Act, to empower the Registrar to take prompt action in emergent cases. (New) Section 42. A.

It is also necessary to empower the Registrar to direct the attachment of property to enforce his surcharge orders and with this end in view another new Section 42-B has been inserted on the lines of Section 50 of the Madras Act.

Arbitration.

The powers of the Registrar and arbitrators in respect of suits by and against co-operative societies are now prescribed by rules issued under Section 44 (1) of the Regulation. But some doubt has been raised as to the validity of these rules in so far as they purport to authorise the Registrar to refer the parties to a Civil Court. It is therefore desirable that jurisdiction in such cases should be defined in the Regulation itself. New section 43. A is accordingly inserted on the lines of Section 51 of the Madras Act. (New) Section 43. A.

Provision for enforcing the execution of the orders passed under the preceding section will be necessary and 43 B.

accordingly a new Section 43B is inserted and follows Section 59 of the Bombay Act.

43 C. D. E. The submission of false returns, furnishing false information, omission to furnish information, disobeying summons and requisitions and disposal of property in respect of which a society is entitled to claim priority are not now declared to be offences under the Co-operative Regulation and this has led to considerable difficulty and laxity in properly administering the provisions of the law. It is, therefore, proposed to declare these acts of omission and commission as offences punishable with fine.

New Sections 43 C and D follow Sections 52 and 53 of the Madras Act and the provisions of Section 61 of the Bombay Act have been adopted as Section 43 E.

43 F. The acts of commission and omission having been declared offences, it would be necessary to define the courts which should take cognizance of offences under the Act and it is, therefore, proposed to adopt provision similar to Section 63 of the Bombay Act.

43 G. The Registrar has brought to notice that under the existing law he has no powers even to call for and examine the records of his subordinate officers though subordinate authorities should have committed serious mistakes in administering the provisions of the law, and has suggested that revisional powers are necessary. With a view to reserve powers of revision to both Government and the Registrar to interfere in case in which there is justification for their interference, it is proposed to adopt a new section 43 G closely following Section 57 of the Madras Act.

Section 44. The change proposed in Section 44 is consequential on the proposed enactment of a separate Section 43 A regarding suits by and against societies.

Section 52 (1), and 58 (2) It is found that the existing restriction that loan for improvement of lands can only be granted to persons to whom loans have been given for liquidation of prior debts, detracts from the usefulness of the Land Mortgage Bank. If a person can borrow from a Land Mortgage Bank for repaying a loan contracted for improving his land, there is no reason why he should not be permitted to borrow from the Bank itself for the same purpose. It is accordingly proposed to amend the law so as to permit of the grant of loans by the Land Mortgage Bank for land improvement

even though no loans have been granted for the discharge of prior debts (*vide* also Section 58 (2)).

The term "Co-operative Land Mortgage Bank" or "Bank" has been defined but in view of the distinction made in Sections 52 (2) and 66 (c) between the "Co-operative Land Mortgage Bank" and the "Local Land Mortgage Societies," it is considered that the term "Bank" should be taken only to mean the Central Land Mortgage Bank, and that the provisions of Sections 59 to 64 (procedure for the Bank to recover its dues from defaulting members) relating to Co-operative Land Mortgage Bank or Bank cannot be made applicable to primary Societies also. Section 52 (2). ,, 66, 67

In order to bring primary Societies within the scope of the sections so as to enable them to take prompt and effective steps for recovery of dues from defaulting members, it is proposed to do away with the above mentioned distinction by amending the definition of the term so as to include all Co-operative Land Mortgage Societies.

The provision made in the Regulation for a Board of Supervision for the Land Mortgage Bank is considered unncessary especially as there is a Board of Management on which the members of the Bank, the Debenture holders and the Government are all represented. It is, therefore, proposed that the provision for the creation of a Board of Supervision and all references to this Board in the Regulation may be deleted (*vide* 53 (a)53 (o) 54,55, and 66 (a)). Section 53 (a).

The restriction in the existing law fixing a limit of 5 per cent for the Land Mortgage Bank's dividend is considered too low to attract shareholders other than prospecttive borrowers. In the existing Co-operative Regulation, there is a general provision for restricting dividends payable by all Co-operative institutions to such maximum rates as may be fixed by Government. It is considered that the rate of dividends fixed in general for all Co-operative institutions should apply to the Land Mortgage institutions also and that the existing restriction should be removed. Section 53 (b).

The bye-laws of the Land Mortgage Bank provide for the nomination of the President by Government. The existing law empowers Government to nominate one member to the Committee of Management so long as interest on any loan raised by the bank is guaranteed by Section 54.

Government or contributions of any kind are made by Government towards the working expenses of the Bank. It is desirable that Government should have power to nominate another person, preferably an officer of Government to safeguard their interest. It is, therefore, proposed to empower Government to nominate two members of the committee instead of only one.

Section 55. *Vide* Section 53 (a) *supra*

Section 58. *Vide* Section 52 (1) *supra*

Section 66 (c). *Vide* Section 52 (2) *supra*

Section 67. *Vide* Section 52 (2) *supra*

PALACE OFFICE RECORDS

1936
(January - October)

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loan was outstanding and the repaying capacity of the judgment-debtor.

12-B. Whenever the Court orders payment by instalments, it may direct that when two or more instalments are in arrears, the decree-holder may immediately enforce payment of the whole amount then remaining due under the decree.

Amendment of Section 14.

4. (i) In Section 14 of the Regulation, for the words "No immovable property" at the beginning of the sentence, the words "Except as otherwise provided in Sub-sections (2), (3) and (4) no agricultural land" shall be substituted.

(ii) The following shall be added as Sub-sections (2), (3) and (4), the existing paragraph being numbered as Sub-section (1):—

"(2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment of any agricultural land belonging to the judgment-debtor.

"(3) The procedure in respect of attachments ordered under Sub-section (2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment under Order XXXVIII of the Civil Procedure Code, 1911.

"(4) No agricultural land ordered to be attached under Sub-section (2) shall be sold in pursuance of such attachment unless the judgment-debtor is in arrears in respect of two or more instalments under the decree."

Addition of a new Section 25-A.

5. The following shall be added as Section 25-A:—

Exemption in respect of certain Co-operative Societies.

25-A. The Government may, by notification in the Official Gazette, from time to time, direct that the provisions of this Regulation, except Sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Mysore Co-operative Societies Regulation, 1918, is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of societies.

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3

NOTIFICATION.

Order No. P. 4477—Legis. 60-35-1, dated Bangalore, 9—10th January 1936.

Ordered that the accompanying Regulation further to amend the Mysore Police Regulation, 1908, which received the assent of His Highness the Maharaja, on the 27th day of December 1935, be published as Regulation No. X of 1935 in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION X OF 1935.

(Received the assent of His Highness the Maharaja on the 27th Day of December 1935.

Regulation further to amend the Mysore Police Regulation V of 1908.

Whereas it is expedient further to amend the Mysore Police Regulation, 1908; It is hereby enacted as follows:— Preamble.

In sub-clause (*a*) of Section 56 of the said Regulation, between the words "any description" and the words "at any time," the words "or drags or pushes in any street a vehicle of any description other than a bicycle," shall be inserted. Amendment of Section 56 (a).

MIRZA M. ISMAIL,
Dewan.

NOTIFICATION.

Order No. P. 4479—Legis. 58-35-1, dated Bangalore, the 9—10th January 1936.

Ordered that the accompanying Regulation to amend the Mysore Religious and Charitable Institutions Regulation, 1927, which received the assent of His Highness the Maharaja, on the 27th day of December 1935, be published as Regulation No. VIII of 1935, in the *Mysore Gazette*, for general information.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

REGULATION VIII OF 1935.

(*Received the assent of His Highness the Maharaja on the 27th day of December 1935.*)

Regulation to amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927.

Preamble.

Whereas it is expedient to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927; It is hereby enacted as follows:—

Substitution of a new sub-section for Sub-section (2) of Section 38.

The following shall be substituted for Sub-section (2) of Section 38 of the said Regulation:—

"An appeal will lie to the Government against every order passed by the Muzrai Commissioner, provided that no such appeal shall lie to the Government from an appellate decision passed by the Muzrai Commissioner except on a point of law or usage having the force of law."

MIRZA M. ISMAIL,

Dewan.

NOTIFICATION.

Order No. P. 4520—Legis. 62-35-1, dated Bangalore, the 11th January 1936.

Ordered that the accompanying Regulation further to amend the Mysore Prevention of Adulteration Regulation 1921 which received the assent of His Highness the Maharaja, on the 30th day of December 1935, be published as Regulation No. XII of 1935, in the *Mysore Gazette* for general information.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION XII OF 1935.

(Received the assent of His Highness the Maharaja on the 30th day of December 1935.)

Regulation further to amend the Mysore Prevention of Adulteration Regulation, IX of 1921.

Whereas it is expedient to further amend the Mysore Prevention of Adulteration Regulation, 1921; It is hereby enacted as follows:— **Preamble.**

After Section 5 of the Regulation, the following new section shall be added as 5-A: **Addition of a new Section 5-A.**

"5-A. Any person who mixes, colours, stains or powders or orders or permits any other person to mix, colour, stain or powder any article of food with any matter or ingredient so as to render the article injurious to health with intent that the same may be sold in that state or sells or offers or exposes for sale any such article so mixed, coloured, stained or powdered shall be punished for the first offence with a fine which may extend to one hundred rupees and for every subsequent offence with a fine which may extend to five hundred rupees. **Prohibition of mixing of food with injurious ingredients or selling the same.**

Exemption in case of proof of absence of knowledge.

Provided that no person shall be liable to be convicted in respect of the sale of any article of food if he proves, to the satisfaction of the court before whom he is charged, that he did not know of the article of food being so mixed, coloured, stained or powdered as aforesaid and that he could not, with reasonable diligence, have obtained such knowledge."

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3

Regd. No. M—1175

Motor Vehicles

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 12.

BANGALORE, THURSDAY, MARCH 19, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATIONS.

Order No. P. 6063—Legis. 68-35-1, dated Bangalore, the 10—11th March 1936.

Ordered that the accompanying Emergency Regulation to prohibit the making of certain loans and credits which received the assent of His Highness the Maharaja on the 2nd day of March 1936, be published as Regulation No. II of 1936 in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION No. II OF 1936.

An Emergency Regulation to Prohibit the making of certain loans and credits.

(Received the assent of His Highness the Maharaja on the 2nd day of March 1936.)

Whereas an emergency has arisen which makes it necessary to prohibit the making of certain loans and credits;

Now therefore, in exercise of the powers conferred by section 12 of the Mysore Legislative Council Regulation, 1923, it is hereby enacted as follows :—

Short title and extent.

1. (1) This Regulation may be called the Italian Loans and Credits Prohibition Emergency Regulation, 1936.

(2) It extends to the whole of Mysore.

Prohibition of loans.

2. (1) No person shall—

(*a*) make, contribute to, participate in or assist in the making or issuing of any loan (wherever the loan is made or issued or to be made or issued) to or for the benefit of—

(i) The Government of any Italian territory, or

(ii) any person (not being a body corporate) of whatever nationality resident in any such territory, or

(iii) any person wherever resident being a body corporate incorporated under the law of any such territory, or

(*b*) offer for subscription, underwrite or otherwise assist in the issue of or subscribe for any share, wherever issued or to be issued, in any such body corporate.

(2) Any person who either—

(*a*) by giving a guarantee or by becoming a party to a bill of exchange assumes any liability for payment of money and therefore enables another person to raise money, or

(*b*) buys a bill of exchange (not being a bill payable on demand) from another person, or

(c) in connection with the sale of goods gives credit in any form to or for the benefit of another person, shall be deemed for the purposes of sub-section (1) to make a loan to or for the benefit of that other person.

(3) Nothing in this section shall be taken to prohibit the performance of any contract made before the commencement of this Regulation with any Government or person other than such a Government or person as is mentioned in clause (a) of sub-section (1), but save as aforesaid the provisions of this section shall have effect notwithstanding anything in any contract.

(4) Nothing in this section shall apply to any loan or for the benefit of an institution which is declared by the Government to be for the purposes of this section an institution having a humanitarian or religious object.

Penalty for contravention of section 2.

3. Whoever contravenes the provisions of section 2 shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Liability of director or other officer of body corporate.

4. Where any contravention of section 2 by a body corporate is proved to have been committed with the consent or approval of or to have been facilitated by any neglect on the part of any Director, Manager, Secretary or other officer of such body corporate he, as well as, such body corporate shall be deemed to be guilty of the contravention and shall be punishable with punishment provided for the offence.

MIRZA M. ISMAIL,
Dewan.

No. 1286—Muz. 214-35-4, dated Bangalore, the 12—13th March 1936.

The Government of His Highness the Maharaja of Mysore are pleased to amend the Rules issued under Section 41 of the Mysore Religious and Charitable Institutions Regulation, VII of 1927 as amended by Notifications Nos. 1467—Muz. 226-26-5, dated 22nd February 1928 and 361—Muz. 346-28-7, dated 17th August 1929 as follows:—

(1) Under Rule 3 of the said Rules, the following shall be inserted as clause (9).

"(9) Power under Section 9 (2) to approve of leases of property belonging to Muzrai Institutions for a term not exceeding five years in the case of Dry and Wet lands and for periods not exceeding ten years in the case of Bagayet and Coffee lands."

N.B.—This power shall be exercised by Sub-Division Officers in the Districts of Shimoga and Kadur.

(2) The following shall be added as a Note under clause 9 of Rule 4 of the said Rules.

N.B.—In the Districts of Shimoga and Kadur, Deputy Commissioners shall have power to approve of leases of Wet and Dry lands for a period of 15 years and of Garden lands for 30 years in cases where their extent does not exceed five acres.

No. P. 6223—Legis. 23-35-8, dated Bangalore, the 17th March 1936.

In exercise of the powers conferred on them by Section 11, 2 (a) of the Mysore Motor Vehicles Regulation, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to forms A, B and C, referred to in Rules 1 to 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft amendment in the said behalf having already been published with Notification No. P. 5703—Legis. 46-35, dated 26th February 1936 at page 92, Part IV of the *Mysore Gazette*, dated 27th February 1936.

AMENDMENT.

Substitute for the present forms A, B and C of the Mysore Motor Vehicles Rules, the following forms A, B and C

FORM "A"

APPLICATION FOR REGISTRATION OF A MOTOR VEHICLE.

1. Full name of owner.

2. Postal address of usual residence of owner.

3. Name of maker and date of manufacture.

4. Type of vehicle.

5. Type of body of vehicle { Seating capacity. / Carrying capacity.

6. Number stamped on the { (1) Engine. / (2) Chassis.

7. Tyres—(pneumatic or otherwise).

8. Horse-power.

9. Number of cylinders.

10. Unladen weight of vehicle in cwts.

11. Whether intended for—

    (*a*) Private use.

    (*b*) Public service use.

12. If the motor vehicle is a heavy motor vehicle, that is to say, if it exceeds two tons in weight when unladen.

    (*a*) Axle weight of each axle.

    (*b*) Diameter of each wheel.

Dated,.....
Place.....

Signature of the applicant.

FORM "B"

REGISTER OF MOTOR VEHICLES REGISTERED IN THE MYSORE STATE.

Number assigned	Full name of owner	Postal address of usual residence of owner	Name of maker and date of manufacture	Number stamped on the		Type of motor vehicle	Type of body of vehicle and		Horse-power	Number of cylinders	Unladen weight of vehicle in cwts.
				Engine	Chassis		Seating capacity	Carrying capacity			
1	2	3	4	5	6	7	8	9	10	11	12

Whether intended for		If the motor vehicle is a heavy motor vehicle		Date of Registration	Particulars of any change of ownership or alteration of other particulars with date	If cancelled, date of cancellation	Amount of fee	Remarks
Private use	Public service	(a) Axle weight of each axle	(b) Diameter of each wheel					
13	14	15	16	17	18	19	20	21

M. V. REGULATION—XVI OF 1928.

'C'

CERTIFICATE OF REGISTRATION OF A MOTOR VEHICLE GRANTED UNDER THE MYSORE MOTOR VEHICLES RULES, 1928.

MYS. No. .....of 19 .

This is to certify that a motor vehicle of the description given below, owned by..... of.....has been registered by me on .....and has been assigned the distinguishing number MYS. .....

(1) Class of Vehicle :—

Name of maker and date of manufacture.

Type of vehicle.

Type of body of vehicle and { 1. Seating capacity. 2. Carrying capacity.

Horse-power.

Number of cylinders.

Number stamped on the { 1. Engine. 2. Chassis.

Weight of vehicle unladen.

Weight unladen of trailers, if any, intended to be used with the vehicle.

Use for which intended.

In the case of heavy motor vehicles—

(1) Axle-weight of each axle.

(2) Diameter of each wheel.

BANGALORE, Date..... } *Inspector-General of Police in Mysore.*

CHANGE OF ADDRESS.

1st change.

Name.

(Block capitals.)

Address.

BANGALORE.

Date .....

Inspector-General of Police in Mysore.

CHANGE OF ADDRESS

2nd change.

As above.

CHANGE OF ADDRESS.

3rd change.

TRANSFER OF VEHICLE.

1 Ownership / Temporary possession transferred to

Name
(Block capitals)

Address

BANGALORE,
Date.....

Inspector-General of Police in Mysore.

TRANSFER OF VEHICLE

2

As above

TRANSFER OF VEHICLE.

SPACE FOR ENDORSING PAYMENT OF TAX.

The Vehicle tax, Road tax due under the Mysore Road Traffic and Taxes Regulation in respect of the vehicle referred to in this book for the Quarter, Half-year, Year ending.....
has been paid at .....

No tax is payable for the quarter ending on.....
as the vehicle.....

Place.
Date

Treasury Officer..... /District Taluk Treasury.
District Supdt. of Police, K. G. F.

By Order,
M. VENKATESA IYENGAR,
General Secretary to Government.

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 13.

BANGALORE, THURSDAY, MARCH 26, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATIONS.

No. P. 6832 (1)—G. F. 432-34-5, dated Bangalore, 18th March 1936.

In exercise of the powers conferred by section 23 (1) of the Mysore Securities Regulation, 1925, the Government of His Highness the Maharaja of Mysore are pleased to issue the following amendments to the Government Securities Rules, 1925, the same having been previously published in the *Mysore Gazette* as required by sub-section (1) of the said section.

By Order,

S. SHAMANNA,

Financial Secretary to Government.

AMENDMENTS TO THE GOVERNMENT SECURITIES RULES, 1925.

Recognition of Office-Holders.

Rule 7 (1)

Substitute the following :—

On a proper demand made by a person who is the holder of an office other than a public office, the Comptroller may, in the case of any account of Government stock to be opened and kept with such person, either alone or jointly with other persons, describe such person, in the books of the Comptroller's office by the name of his office.

Renumber the existing clauses (d) and (e) as (f) and (g) and insert the following as (d) and (e) in Rule 10—

(*d*) If the interest on the note has remained undrawn for ten years or more;

(*e*) if the interest cages on the reverse of the note have been completely filled;

Substitute the following for Rule 13 (2):

(2) if no portion or no sufficient portion of the note so lost, stolen or destroyed has been produced,

(*a*) pay to the applicant, two years after the publication of the said list, and on the execution of an indemnity bond in the manner hereinafter prescribed, the interest in respect of note so lost, stolen or destroyed pending the issue of a duplicate note, and

(*b*) issue to the applicant a duplicate note in place of the note so lost, stolen or destroyed six years after the date of publication of the said list; provided that, if the date on which the note is due for repayment falls earlier than the date on which the said period of six years

expires, the Comptroller shall, within six weeks of the former date, invest the principal amount due on the note in the Mysore Government Savings Bank unless before the expiry of such period, the applicant has made a specific request for the investment of the amount in securities of any of the current loans of the Government of Mysore maturing not earlier than the date on which the duplicate is due for issue and in that case, shall invest the amount in such securities and deposit the balance, if any, left after such investment in Mysore Government Savings Bank. He shall repay the amount invested in such bank together with any interest which may have accrued thereon, and if any investment has been made in Government Securities shall deliver such securities together with the interest accrued thereon, to the applicant at the time when a duplicate note would otherwise have been issued.

Substitute the following for Rule 15 (2).

The Comptroller may direct that such indemnity bond shall be executed by the applicant alone or by the applicant and one or two sureties as he may think fit, or that in lieu of personal securities the applicant shall furnish collateral security in the shape of Government Securities, Savings Bank Deposits, Post Office Cash Certificates or Government of India Bonds to be deposited with him for such amount and period as he may think fit.

16 (2) For "All note" at the beginning of the sentence, substitute " All Mysore Government Promissory Notes. "

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21. Add the following as a proviso (a) noting the existing one as (b).—

Provided that no fee shall be payable,

(*a*) in respect of the conversion of a Government promissory note into a stock certificate, and,

22. Substitute the following for the first sentence and add the words "in lieu of personal sureties" after the words " think fit " at the end of the second sentence.

An indemnity bond taken on the issue of a renewed, converted, consolidated or sub-divided security shall be as nearly as may be in form XII and shall be for twice the amount of the security or securities as the case may be and shall be executed by the applicant alone or by the applicant and one or two sureties as may be directed by the Comptroller.

Substitute the following for Rule 26 (2).

Every such application shall state with precision the particulars (namely, the number, rate of interest, loan to which it belongs and the face value) of the security and shall contain a statement of the purpose for which the information is required and of the interest of the applicant in the security. If any of the above particulars are not known to the applicant the Comptroller may, on application being made to him, supply at his discretion, the required particular or particulars, if available, to the applicant, subject to such conditions and on payment of such fees, if any, as he may prescribe.

No. P. 6354—Legis., dated Bangalore, the 25th March 1936.

In exercise of the powers conferred on them under Sections 13 and 22 of the Mysore Road Traffic and Taxes Regulation VI of 1935, the Government of His Highness the Maharaja are pleased to exempt from payment of all taxes and tolls due under the said Regulation, and also all tolls due under the three Municipal Regulations, the car of His Excellency the Governor-General of Portugese India, bearing the Portugese Coat of Arms and the initials of that Government, without any number, during His Excellency's journey and stay in the Mysore State in April and May 1936.

By Order,

M. VENKATESA IYENGAR,

General Secretary to Government.

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 14.

BANGALORE, THURSDAY, APRIL 2, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATION.

No. L. 7453—*Ml.* 133-34-9, *dated* 30*th March* 1936.

In exercise of the powers conferred by Section 228 (2) (c) of the Mysore City Municipalities Regulation, 1933, and all other powers in this behalf and in supersession of the existing rules on the subject, the Government are pleased to make the following rules for regulating the rates of fees for copying and search and grant of copies of public documents in the custody of City Municipal Councils in the State:—

Rules.

1. Except to a Municipal Councillor or a Government servant who is entitled, on formal application, to copies of such of the Municipal documents as are required by him in connection with *bona fide* Municipal matters or for Government purposes, no copy of any public document shall be given without the previous sanction of the President or the Municipal Commissioner as the case may be.

2. Fees shall be charged at the following rates for furnishing copies of public documents :—

	Rs.	a.	p.
(1) for typing 100 English words	0	3	0
(2) for copying 100 English words ...	0	2	0
(3) for copying 100 Kannada words ...	0	1	6
(4) for searching one year's records ...	1	0	0
(5) for searching subsequent year's record ...	0	8	0 for every year.
(6) for searching khirdi extracts :—			
(i) for first year ...	0	12	0
(ii) for subsequent years ...	0	6	0 for each year.
(7) for copying khirdi extracts :— (tabular statements)			
(i) for 12 years ...	0	12	0
(ii) above 12 years ...	1	8	0

If the original in respect of 1 to 3 above is a tabular statement, fees at double the above rates will be charged.

For every certified copy of a map, sketch or plan or any portion of a map or plan, a fee not exceeding Rs. 5 and not less than Re. 1 shall be charged at the discretion of the President or the Municipal Commissioner as the case may be.

3. Every fee payable in accordance with the foregoing scale shall be paid at the Municipal Office in cash in advance and in court fee stamps affixed to the application.

4. The amount of all fees so received shall be entered in a separate book to be kept for this purpose by the Manager of the Municipal Office.

5. The copying fees recovered as above will be apportioned as follows :—

	Rs.	a.	p.	
(1) Typed copies	0	2	0	Typist
	0	1	0	Examiner
(2) English copies	0	1	4	Copyist
	0	0	8	Examiner
(3) Kannada copies	0	1	0	Copyist
	0	0	6	Examiner
(4) Khirdi extracts—				
(i) for 12 years ...	0	9	0	Copyist
	0	3	0	Examiner
(ii) above 12 years ...	1	2	0	Copyist
	0	6	0	Examiner
(5) For Map or Plan ...	3/4 fees—Copyist			
	1/4 fees—Examiner			
(6) Searching fee	Clerk who searches the records.			

6. Nothing in these rules shall be deemed to affect the provisions of the Stamp Regulation or Court Fees Regulation. The Stamp duty or Court fee with which any application, copy or extract made or furnished under these rules may be chargeable is to be deemed to be in addition to the fees prescribed by Rule 2 *supra* and care is to be taken that the rsquirements of the Stamp Regulation and Court Fee Regulation are properly fulfilled in respect of every such application, copy or extract.

7. No copies shall be given of any public document of which privilege can be claimed under Sections 123 and 124 of the Evidence Act.

8. All documents which the public have a right to inspect shall be open to inspection in the Municipal Office during the office hours.

9. No document of any kind belonging to the Municipal Council shall, on any account, be taken away from or sent out of the Municipal Office except with the previous permission of the President or the Municipal Commissioner as the case may be.

By Order,

A. V. RAMANATHAN,

Chief Secretary to Government.

Printed by the Superintendent at the Government Press, Bangalore.

SECTION 1—LICENSING OF SUGAR FACTORIES.

1. Any person intending to carry on the business of manufacturing sugar in a factory shall apply for a license to the Secretary to the Government in the Department concerned.

2. The application shall bear a Court Fee Stamp of the value of Rs. 25.

3. Unless the application is summarily rejected, the particulars of the application and the conditions subject to which it is proposed to grant a license shall be published by the Government in the *Mysore Gazette*, fixing a date on or after which the matter will be taken into consideration together with any objections that may be received in the meantime.

4. The conditions of a license already granted may be varied by Government from time to time after giving adequate notice and an opportunity of urging objections, to the interests concerned.

5. (*a*) The minimum price or prices at which sugar-cane shall be purchased by a factory shall be fixed and notified by Government from time to time.

(*b*) If an advisory Committee is established for the purpose of fixing the price or prices of sugarcane in any area, it shall consist of a Chairman and not less than three, and not more than six members nominated by the Government, of whom not less than one-third shall be chosen to represent the interests of the sugar factory or factories concerned and not less than one-third to represent the interests of sugar-cane growers in the area. The Chairman shall be a person who has no interest directly or indirectly in the sugar industry.

(*c*) The Committee shall from time to time advise the Government as to the price or prices which may be fixed under Sub-Rule (*a*) and any matters connected therewith that may be referred to it by Government for advice.

(*d*) The Committee shall meet at such itmes and places as, subject to the orders of Government, if any, may be appointed by the Chairman.

(*e*) The opinion of the majority of the members present at a meeting shall be regarded as the opinion of the Committee. The Chairman shall have a casting vote.

(*f*) The proceedings of the Committee shall be reported to Government.

6. The "owner of a sugar factory" means a person to whom a license has been issued under Section 5 of the Regulation. The licensee may, with the approval of the District Magistrate, designate any person concerned with the management of the factory as "owner" for the purpose of any or all of these rules.

7. The owner of a sugar factory or a licensed purchasing agent shall not purchase sugarcane for such factory from any person other than (i) the grower of such cane or a person representing himself to be such grower or (ii) a person duly authorised in writing by such a grower to sell and deliver cane on his behalf or (iii) a co-operative society for cane supply or (iv) a licensed purchasing agent.

8. Any person wishing to act as a purchasing agent for the supply of sugarcane to a sugar factory shall apply to the District Magistrate for a license; such license shall not be granted unless (i) a fee of Rs. 25 is deposited with the District Magistrate, (ii) the application is recommended by the factory owner and (iii) the applicant has deposited with the owner the amount prescribed in Rule 9.

9. Such licensed Purchasing Agent shall deposit with the owner of a factory a sum of Rs. 500 in cash or adequate security of four times that value for the proper performance of his duties as Purchasing Agent.

10. The owner of a sugar factory or a licensed purchasing agent shall not purchase sugarcane for a factory or pay for it at a price below the minimum price fixed by Government from time to time.

11. (*a*) All yments for cane purchased for a sugar factory shall be made at the office of the factory or such other place as may be approved by the District Magistrate, within 14 days of demand, and in cases where no cultivation or cutting advances are given by the factory, the payment shall be made forthwith on demand.

(*b*) Except as provided in sub-rules (*c*), (*d*) and (*e*) of this Rule, no deductions shall be made by way of fine or otherwise from the price of cane purchased which would reduce such price to a figure below that calculated at the prescribed minimum rate.

(*c*) If any loan has been advanced to the person from whom the sugarcane has been purchased, the amount of such loan together with simple interest thereon at a rate not exceeding 1 per cent per month for the period the loan has been outstanding, may be deducted subject to the terms of the agreement, from the amount paid for the cane.

(*d*) Where with the consent of the supplier, transport of the cane to the factory is arranged by the owner of the factory by railway or otherwise, the actual cost of such transport incurred by the owner may be deducted from the amount payable as price of cane.

(*e*) If any officer of Land Revenue not below the status of Amildar intimates to the owner of a sugar factory that any amount is owing from a cane supplier on account of land revenue in respect of a land from which the cane is supplied to the factory, such amount shall be deducted from the amount payable for the cane and paid to such Amildar or other Revenue Officer.

12. No scales or weights shall be used for purposes of purchasing sugarcane by or on behalf of the owner of a sugar factory or a licensed purchasing agent, which have been disapproved by the District Magistrate.

(*a*) Provided that the District Magistrate shall not disapprove any scales and weights which weigh correctly to near 2 per cent.

(*b*) All scales and weights used, kept or possessed for the purchase of sugarcane, shall be open to inspection, examination and test by the District Magistrate or any other Magistrate authorised in this behalf by the District Magistrate, at all times without notice and shall be made available for such inspection, examination or test when required by such Magistrate.

13. (*a*)—The owner of a sugar factory or a licensed purchasing agent (other than a co-operative society for cane supply) shall cause to be put up throughout the cane purchasing season, at each purchasing centre, a notice showing correctly the minimum price or prices fixed by Government and the rates at which cane is being purchased for the sugar factory at that centre.

(*b*) Entries in such notices shall be made legibly both in English and Kannada and shall be on one side of the paper only.

14. The owner of a sugar factory shall cause to be maintained a register or registers showing :—

(a) the name of the person from whom sugarcane is purchased, with his parentage and full address, together with similar particulars about the person, if any, authorised by the vendor to deliver the cane on his behalf ;
(b) Weight of the cane purchased ;
(c) the rate at which it is purchased ;
(d) the price that is to be paid for it at that rate ;
(e) the amount of loan advanced, if any ;
(f) the amount of interest up to the date of recovery of the same, if any ;
(g) other deductions such as transport charges, land revenue payments, etc.,
(h) the amount actually paid, if any ;
(i) the date of payment ;
(j) the name of the licensed purchasing agent or the person employed by the owner of the sugar factory and acting on his behalf, by whom the sugarcane is purchased.

15. Whoever, being the owner of a sugar factory or being a licensed purchasing agent for a sugar factory,

(a) purchases sugarcane for a sugar factory or pays for it at a price below the prescribed minimum price ;
(b) fails to make payments for cane purchased for a sugar factory in accordance with the provisions of rule 11 ;
(c) knowingly uses for the purchase of sugarcane, scales and weights which are incorrect or which have been disapproved by the District Magistrate and have not been rectified to his satisfaction ;
(d) fails to make available for inspection, examination or test by the officer authorised in this behalf, the scales and weights used, kept or possessed for weighing sugarcane purchased for a sugar factory ;
(e) fails to put up in the manner prescribed any notice required by these rules or puts up a notice which is proved to be incorrect in any material particular ;
(f) fails to maintain any register as required by these rules or maintains a register containing an entry which is proved to be incorrect in any material particular ;
(g) destroys such register before the expiry of one year from the date of the last entry therein ;
(h) fails to make available the register for the inspection of the officer authorised in this behalf when required by him ;

Shall on conviction before a Magistrate be punishable with fine which may extend to Rs. 200 and if a licensed purchasing agent shall render himself liable to the confiscation of his license.

16. Whoever, not being a licensed purchasing agent, purchases sugarcane for a sugar factory shall on conviction

before a Magistrate be punishable with fine which may extend to Rs. 200.

17. Any person selling sugarcane to a sugar factory, falsely representing himself as the grower of such cane or as a person duly authorised by the grower, shall on conviction before a Magistrate be punishable with fine which may extend to Rs. 200.

18. The Government may, for special reasons, exempt the owner or licensed purchasing agent of any sugar factory from all or any of the provisions of these rules.

No. P. 6529—Legis. 46-35, dated Bangalore, the 30th March—17th April 1936.

Subject.—Reciprocal arrangements between the Civil and Military Station of Bangalore and the Mysore Government in the matter of taxes and tolls on motor vehicles.

In virtue of powers vested in them under Sections 13, 22 and 31 of the Mysore Road Traffic and Taxes Regulation VI of 1935, the Government of His Highness the Maharaja are pleased to exempt from taxes, in the manner and to the extent specified below, the following motor vehicles of the Civil and Military Station, Bangalore, which carry the current tax licenses or tokens of

the Civil and Military Station, Bangalore, and which are not kept in the State:—

Sl. No.	Class of Vehicle	Nature and extent of exemption	Remarks
1	Private motor cars and motor cycles.	(i) Exempt from vehicle tax in the whole of Mysore. (ii) Exempt from Municipal tolls throughout Mysore.	Eligible to composition of tolls under Sections 20 and 21 of the Regulation.
2	Motor lorries—private and those let or plied for hire.	(i) Exempt from Road Tax. (ii) Exempt from Municipal tolls of Bangalore City.	These lorries must obtain permits for the use of the roads in Mysore from the District Magistrate, Bangalore.
3	Motor cabs ...	(i) Exempted from Service Tax. (ii) Exempt from Municipal tolls of Bangalore City.	(i) Eligible to composition under Sections 20 and 21. (ii) Must obtain permit for plying beyond Bangalore City.
4	Motor buses permitted to ply for hire between Bangalore City and Civil and Military Station.	Exempt from Service Tax to the extent of permit fees paid in the Civil and Military Station *prorata* for the quarter, *i.e.*, a reduction in Service Tax at the rate of Rs. 2-8-0 per seat per quarter on production of the current permit of the Civil and Military Station.	Must obtain permits from the District Magistrate, Bangalore, for plying in any part of Mysore.

2. This will come into force on and from the 1st of April 1936.

No. P. 6901—Legis. 46-35, dated Bangalore, 15—17th April 1936.

In exercise of powers conferred on them under Section 13 of the Mysore Road Traffic and Taxes Regulation VI of 1935, the Government of His Highness the Maharaja are pleased to grant, in respect of motor buses kept in the Mysore State and permitted to play for hire between Bangalore City and the Civil and Military Station, a reduction in the rate of Service Tax to the extent of permit fees paid in the Civil and Military Station, *viz.*, a reduction of Rs. 2-8-0 per seat per quarter.

No. P. 6902—Legis. 46-35, dated Bangalore, 17th April 1936.

In virtue of powers vested in them under the proviso to Sub-Section 6 of Section 9 of the Mysore Road Traffic and Taxes Regulation VI of 1935, the Government of His Highness the Maharaja are pleased to exempt with effect from 1st April 1936 the motor vehicles of the Civil and Military Station specified below from the provisions of the said Sub-Section, when such vehicles are using the roads in the areas specified below :—

Sl. No.	Class of vehicle	The area in which the vehicle is exempt from provisions of Sub-Section 6	Remarks
1	Private motor cars and cycles	Whole of Mysore.	
2	Motor lorries, private and those let or plied for hire.	Do	
3	Motor cabs ...	Bangalore City.	

2. They are further pleased to direct that in the case of the vehicles specified, the licenses or tokens indicating payment of taxes in the Civil and Military Station shall be deemed to be sufficient to indicate exemption and that these vehicles shall not be required to exhibit the licenses of Mysore in the area in which they are thus exempted.

3. The said license or token of the Civil and Military Station shall be carried on the vehicle in the manner prescribed in Rule No. 16 of the Mysore Motor Vehicles Tax Rules.

No. P. 6935 Legis. 46-35, dated Bangalore, the 20th—21st April 1936.

The following Draft Rules which the Government propose to make in exercise of the powers conferred upon them by Section 11 of the Mysore Motor Vehicles Regulation 1928, and Sections 5 and 23 (3) of the Mysore Road Traffic and Taxes Regulation VI of 1935 is hereby published for the information of the persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 7th of May 1936 and that any suggestions or objections which may be received from any person in respect of the said rules will be considered by Government.

These draft rules will be in lieu of the existing rules 88 to 93 (both inclusive) of the Public Service Motor Vehicles Rules published with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935.

Draft Rules:—

APPEALS AND REVISION.

88. The Board may, either on its own motion or on an application made in this behalf, call for and examine the record of any enquiry or the proceedings of any officer under these rules, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If, in any case, it shall appear to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it may deem fit.

89. Subject to the powers of revision vested in the Board, the order of a District Magistrate granting or refusing a permit under these rules and all orders regarding time-table and frequency of services and conditions

attached to the permit and other similar matters passed by a District Magistrate shall be final.

90. In any application for revision under the foregoing rules, the Board may, pending the disposal of the application, direct the execution of the decision or order complained against to be suspended.

91. The power of the Board under any of the foregoing rules may be exercised by the Chairman or by any other member or members of the Board as may be authorised by the Chairman in this behalf.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 19.

BANGALORE, THURSDAY, MAY 7, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATION.

No. P. 7317—Legis. 64-35-2, Bangalore dated 1st—4th May 1936.

In exercise of the powers conferred on them by Section 13 of the Mysore Road Traffic and Taxes Regulation VI of 1935, the Government of His Highness the Maharaja are pleased to exempt from mileage cess leviable under Schedule II D, of the above Regulation, the motor buses plying for hire between Kuppam and Palmaner on the Kuppam-Palmaner Road and to reduce the Service Tax payable by the said motor buses to annas 12 per seat per quarter, subject to a minimum of Rs. 15 per bus per quarter.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,

General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 21.

BANGALORE, THURSDAY, MAY 21, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATIONS.

No. L. 8701—Ml. 203-35-5, dated Bangalore, 14th May 1936.

The following draft of the rules relating to the appointment of Engineers and Health Officers in City Municipalities which the Government propose to make, in exercise of the powers vested in them under Section 228 (2) (*c*) read with Sections 49 (*b*) (ii) and (*c*) of the Mysore City Municipalities Regulation, 1933, is published under sub-section 4 of Section 228 of the said Regulation, for the information of all persons interested. Any objections or suggestions which may be received within a month from the date of the publication of the rules will be taken into consideration by Government before the issue of the rules finally.

(1) Every City Municipal Council shall have a Health Officer and a Municipal Engineer.

(2) Such Health Officer and Engineer shall be officers lent by Government from their Health and Public Works Departments respectively.

(3) Whenever the Government intend to lend an officer to a City Municipal Council for being appointed as its Health Officer or Engineer, as the case may be, they shall intimate the name of such officer to the President. It will be open to the President and to the Council to make any representations that they may consider necessary. The Government may, after considering the representations, if any, made in this behalf by the President on behalf of the Municipal Council, issue the necessary notification regarding the posting which shall thereafter be given due effect to by the Municipal Council in accordance with law. Provided that in an emergency, the Government may issue the notification posting an officer without previous intimation.

(4) The Health Officer or Engineer lent by Government shall ordinarily hold office for a period of three years, but Government may at any time in the interests of public service withdraw any particular officer so lent and post another in his place after giving due intimation as prescribed in rule 3 above.

(5) The pay and allowances of the officers lent by Government under these rules shall be determined by Government and be borne and disbursed by the Municipal Council. Their leave, pensions, gratuities and other matters shall be regulated by the Mysore Service Regulations and the special or general orders made by Government in this behalf.

By Order,

A. V. RAMANATHAN,

Chief Secretary to Government.

No. P. 7618—Legis. 46-35-37, dated Bangalore, the 16th May 1936.

1. In virtue of the powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct (i) that the toll-gates shown in Statement "A" be abolished with effect from 1st July 1936, (ii) that the toll-gates shown in Statement "B" be newly established with effect from 1st July 1936, and (iii) that the location of the toll-gates shown in Statement "C" be changed as shown therein.

2. Government are further pleased to direct that the two toll-gates close to Nidasale situated in the border of Tumkur District and Mysore District within a mile of each other on the Tumkur-Maddur Road be treated as one toll-gate, the payment of tolls at one gate exempting the vehicle, etc., from payment at the other.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

STATEMENT "A."

LIST OF TOLL-GATES TO BE ABOLISHED.

1.	Yenagadale	In Kolar District.
2.	Dodmetikurki	In Hassan District.
3.	Aggunda	
4.	At the junction of Tirupati-Huliyar Road.	

Note.—In lieu of these toll-gates, one toll-gate shall be established on the road branching off to Tirupati.

5.	Byaldal	In Kadur District.
6.	Doggihalli	
7.	Basthihalli	In Chitaldrug District.

STATEMENT "B."

LIST OF TOLL-GATES TO BE NEWLY ESTABLISHED.

1.	In the vicinity of Chikjala on the Bangalore-Nandi Road.	In Bangalore District.
2.	In the vicinity of Chelur, (interior toll-gate).	In Kolar District.
3.	A check gate in the vicinity of Banavar, on the Banavar-Belur Road.	In Hassan District.
4.	A gate at the junction of Channarayapatna-Sravanabelagola Road.	
5.	A toll-gate on the road to Tirupati (*vide* Note to items 2, 3, 4 of Statement "A").	
6.	One gate in the vicinity of Sampagodu on the Shimoga-Banavasi Road.	In Shimoga District.
7.	One gate in the vicinity of Kavasapur on Shikarpur-Masur Road.	

The two toll-gates (Items 6 and 7) shall be frontier toll-gates.

STATEMENT "C."

The following toll-gates shall be shifted from their present places to the places noted below :—

Name of District	Name of toll-gate	Where to be shifted
Kolar ...	Bethamangala ...	To the frontier of the State near Venkatagirikote (Frontier toll-gate).
Do ...	Jangamkote ...	To the place where Hoskote-Bangalore and Kolar-Sompur Roads meet.
Tumkur ...	Kodigenahalli ...	To Muddenahalli on the Border of Madhugiri-Hindupur Road. (Frontier toll-gate).
Mysore ...	Ankanhalli	Nearer to Frontier. This shall be a Frontier toll-gate.
Do ...	Sri Krishnarajendra Bridge on Cauvery at T.-Narasipur.	To be shifted to a place to be fixed by the Revenue Commissioner so as to command this bridge as well as the Vani Vilas Bridge on Kabini at which the establishment of a toll-bar has been notified.
Hassan ...	Belur Bridge ...	To the East at Hassan-Chikmagalur Road.
Do ...	Salapur ...	To the junction of Sakrepatna and Sira Road.
Do ...	Near Bridge at Keralapura on Ramanathpur-Krishnarajendra Road.	To be shifted to the Bridge at Keralapur.
Shimoga ...	Huliginkoppa, on Shiralkoppa-Hirekerur Road.	To be shifted to the frontier at Sunnadakoppa. This shall be a Frontier toll-gate.
Do ...	Bhadravati gate.	To be shifted to the junction of Tarikere-Bhadravati and Tarikere-Koppa Roads.

No. P. 7630—Legis. 46-35-38, dated Bangalore, the 16th May 1936.

In virtue of powers vested in them under Sections 15 and 20 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, the Government of His Highness the Maharaja are pleased to sanction the establishment of a toll-gate commanding the Vani Vilas Bridge across Kabini at T.-Narasipur and to declare that at this toll-gate composition of tolls under Section 20 is not admissible, as it is established for the recovery of the amount expended on the said bridge.

No. D. 7037—A. & E. 278-34-4, dated Bangalore, 19th May 1936.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Sugar Industries Safeguarding Regulation IV of 1934, the Government of His Highness the Maharaja of Mysore are pleased to direct that the said Regulation shall come into force in the Irwin Canal area from 1st July 1936.

No. D. 7039—A. & E. 278-34-5, dated Bangalore, the 19th May 1936.

The following rules framed under Sections 4, 6 and 11 of the Sugar Industries Safeguarding Regulation, 1934, are hereby published for general information :—

In exercise of the powers conferred under Sections 4, 6 and 11 of the Sugar Industries Safeguarding Regulation, 1934, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules :—

SECTION 1—LICENSING OF SUGAR FACTORIES.

1. Any person intending to carry on the business of manufacturing sugar in a factory shall apply for a license to the Secretary to the Government in the Department concerned.

2. The application shall bear a Court fee stamp of the value of Rs. 25.

3. Unless the application is summarily rejected, the particulars of the application and the conditions subject to which it is proposed to grant a license shall be published by the Government of Mysore in the *Mysore Gazette* fixing a date on or after which the matter will be taken into consideration together with any objections that may be received in the meantime.

4. The conditions of a license already granted may be varied by Government, from time to time, after giving adequate notice and an opportunity of urging objections, to the interests concerned.

5. (*a*) The minimum price or prices at which sugar-cane shall be purchased by a factory shall be fixed and notified by Government from time to time.

(*b*) If an advisory committee is established for the purpose of fixing the price or prices of sugar-cane in any area, it shall consist of a Chairman and not less than three and not more than six members nominated by the Government of whom not less than one-third shall be chosen to represent the interests of the sugar factory or factories concerned and not less than one-third to represent the interests of sugar-cane growers in the area. The Chairman shall be a person who has no interest directly or indirectly in the sugar industry.

(*c*) The Committee shall from time to time advise the Government as to the price or prices which may be fixed under sub-rule (a) and any matters connected therewith that may be referred to it by Government for advice.

(*d*) The Committee shall meet at such times and places as, subject to the orders of Government, if any, may be appointed by the Chairman.

(*e*) The opinion of the majority of the members present at a meeting shall be regarded as the opinion of the Committee. The Chairman shall have a casting vote.

(*f*) The proceedings of the Committee shall be reported to Government.

6. The "owner of a sugar factory" means a person to whom a license has been issued under Section 5 of the Regulation. The licensee may, with the approval of the District Magistrate, designate any person concerned with

the management of the factory as "owner" for the purpose of any or all of these rules.

7. The owner of a sugar factory or a licensed purchasing agent shall not purchase sugar-cane for such factory from any person other than (i) the grower of such cane or a person representing himself to be such grower or (ii) a person duly authorised in writing by such a grower to sell and deliver cane on his behalf or (iii) a Co-operative Society for cane supply or (iv) a licensed purchasing agent.

8. Any person wishing to act as a purchasing agent for the supply of sugar-cane to a sugar factory shall apply to the District Magistrate for a license; such license shall not be granted unless (i) a fee of Rs. 25 is deposited with the District Magistrate, (ii) the application is recommended by the factory owner and (iii) the applicant has deposited with the owner the amount prescribed in Rule 9.

9. Such licensed purchasing agent shall deposit with the owner of a factory a sum of Rs. 500 in cash or adequate security of four times that value for the proper performance of his duties as purchasing agent.

10. The owner of a sugar factory or a licensed purchasing agent shall not purchase sugar-cane for a factory or pay for it at a price below the minimum price fixed by Government from time to time.

11. (*a*) All payments for cane purchased for a sugar factory shall be made at the office of the factory or such other place as may be approved by the District Magistrate, within 14 days of demand, and in cases where no cultivation or cutting advances are given by the factory, the payment shall be made forthwith on demand.

(*b*) Except as provided in sub-rules (*c*), (*d*) and (*e*) of this rule, no deductions shall be made by way of fine or otherwise from the price of cane purchased which would reduce such price to a figure below that calculated at the prescribed minimum rate.

(*c*) If any loan has been advanced to the person from whom the sugar-cane has been purchased, the amount of such loan together with simple interest thereon at a rate not exceeding one per cent per month for the period the loan has been outstanding may be deducted subject to the terms of the agreement, from the amount paid for the cane.

(*d*) Where with the consent of the supplier, transport of the cane to the factory is arranged by the owner of the factory by railway or otherwise, the actual cost of such transport incurred by the owner may be deducted from the amount payable as price of cane.

(*e*) If any officer of Land Revenue not below the status of Amildar intimates to the owner of a sugar factory that any amount is owing from a cane supplier on account of land revenue in respect of a land from which the cane is supplied to the factory, such amount shall be deducted from the amount payable for the cane and paid to such Amildar or other Revenue Officer.

12. No scales or weights shall be used for purposes of purchasing sugarcane by or on behalf of the owner of a sugar factory or a licensed purchasing agent, which have been disapproved by the District Magistrate.

(*a*) Provided that the District Magistrate shall not disapprove any scales and weights which weigh correctly to near two per cent:

(*b*) All scales and weights used, kept or possessed for the purchase of sugar-cane, shall be open to inspection, examination and test by the District Magistrate or any other Magistrate authorised in this behalf by the District Magistrate at all times without notice and shall be made available for such inspection, examination or test when required by such Magistrate.

13. (*a*) The owner of a sugar factory or a licensed purchasing agent (other than a Co-operative Society for cane supply) shall cause to be put up throughout the cane purchasing season, at each purchasing centre, a notice showing correctly the minimum price or prices fixed by Government and the rates at which cane is being purchased for the sugar factory at the centre.

(*b*) Entries in such notices shall be made legibly both in English and Kannada and shall be on one side of the paper only.

14. The owner of a sugar factory shall cause to be maintained a register or registers showing:—

(*a*) the name of the person from whom sugar-cane is purchased with his parentage and full address, together with similar particulars about the person, if any, authorised by the vendor to deliver the cane on his behalf.

(*b*) weight of the cane purchased.

(*c*) the rate at which it is purchased.

(*d*) the price that is to be paid for it at that rate.

(*e*) the amount of loan advanced, if any.

(*f*) the amount of interest up to the date of recovery of the same, if any.

(*g*) other deductions such as transport charges, land revenue payments, etc.

(*h*) the amount actually paid, if any.

(*i*) the date of payment.

(*j*) the name of the licensed purchasing agent or the person employed by the owner of the sugar factory and acting on his behalf, by whom the sugar-cane is purchased.

15. Whoever, being the owner of a sugar factory or being a licensed purchasing agent for a sugar factory,

(*a*) purchases sugar-cane for a sugar factory or pays for it at a price below the prescribed minimum price,

(*b*) fails to make payments for cane purchased for a sugar factory in accordance with the provisions of Rule 11,

(*c*) knowingly uses for the purchase of sugar-cane, scales and weights which are incorrect or which have been disapproved by the District Magistrate and have not been rectified to his satisfaction,

(*d*) fails to make available for inspection, examination or test by the officer authorised in this behalf, the scales and weights used, kept or possessed for weighing sugar-cane purchased for a sugar factory,

(*e*) fails to put up in the manner prescribed any notice required by these rules or puts up a notice which is proved to be incorrect in any material particular,

(*f*) fails to maintain any register as required by these rules or maintains a register containing an entry which is proved to be incorrect in any material particular,

(*g*) destroys such register before the expiry of one year from the date of the last entry therein,

(*h*) fails to make available the register for the inspection of the officer authorised in this behalf when required by him, shall on conviction before a Magistrate be punishable with fine which may extend to Rs. 200 and if a licensed purchasing agent, shall render himself liable to the confiscation of his license.

16. Whoever not being a licensed purchasing agent purchases sugar-cane for a sugar factory shall on conviction

before a Magistrate be punishable with fine which may extend to Rs. 200.

17. Any person selling sugar-cane to a sugar factory falsely representing himself as the grower of such cane or as a person duly authorised by the grower, shall on conviction before a Magistrate be punishable with fine which may extend to Rs. 200.

18. The Government, may, for special reasons, except the owner or licensed purchasing agent of any sugar factory from all or any of the provisions of these rules.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,

General Department.

No. 3896--L.C., Bangalore, dated 14th May 1936.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to further amend the Mysore Land Revenue Code, 1888 is published for general information.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888.

We, the undersigned members of the Select Committee to which the Bill further to amend the Mysore Land Revenue Code, 1888, was referred, have considered the Bill and have the honour to submit this our Report, with the Bill as amended by us, annexed hereto.

We are of opinion that certain safeguards are necessary for allowing this concession of set off to a party entitled to the payment of money for the recovery of

which a sale is held. As has been provided in the Civil Procedure Code, he should be required to take the permission of the Deputy Commissioner for purchasing the property and to purchase for a price fixed at the discretion of the Deputy Commissioner. We have, therefore, amended the clause providing for previous permission of the Deputy Commissioner being taken and for imposition of conditions while granting such permission. The clause as amended by us is as follows:—

"Notwithstanding anything contained in Sections 179 and 180, the party entitled to the payment of the money for the recovery of which a sale of immoveable property is held may apply to the Deputy Commissioner for permission to purchase such property which may be granted subject to such rules as may be prescribed by the Government in this behalf, and where a party purchases with such permission, the purchase money due by him and the amount for the recovery of which the sale is held may be set off against one another."

(Sd.) S. P. RAJAGOPALACHARI (*Chairman*).
K. V. ANANTARAMAN.
M. VENKATESA IYENGAR.
* MAHOMED ABBAS KHAN.

Bill as amended by the Select Committee.

[Addition is indicated in italics and omission is enclosed in square brackets.]

Bill further to amend the Mysore Land Revenue Code, 1888.

Addition of a new Section 180 A.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888; It is hereby enacted as follows;

After Section 180 of the said Regulation, the following section shall be added as Section 180 A:

["Notwithstanding anything contained in Sections 179 and 180 where sales of immoveable property held are for recovery of moneys due to Government or to other

* Messrs. K. T. Bhashyam Iyengar and H. B. Gundappa were not present at the meeting of the Committee.

persons, such moneys being recoverable under this Regulation or any other law as arrears of land revenue, the purchaser, if he happens to be the person entitled to the payment of the money so recovered may be allowed, subject to such conditions and restrictions as may be imposed in this behalf by the Deputy Commissioner, to set off the purchase money due by him against the money payable to him and for the recovery of which the sale is being held."]

"*Notwithstanding anything contained in Sections 179 and 180, the party entitled to the payment of the money for the recovery of which a sale of immoveable property is held may apply to the Deputy Commissioner for permission to purchase such property which may be granted subject to such rules as may be prescribed by the Government in this behalf, and where a party purchases with such permission, the purchase money due by him and the amount for the recovery of which the sale is held may be set off against one another.*"

No. 3898—L. C., Bangalore, dated 14th May 1936.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill further to amend the Mysore District Boards Regulation, 1926, is published for general information.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Mysore District Boards Regulation, 1926.

We, the undersigned members of the Select Committee to which the Bill to further amend the Mysore District Boards Regulation was referred, have considered the Bill at two sittings held on 20th March 1936 and 1st May 1936 and have the honor to submit this our report.—

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No. 4681—L. C., Bangalore, dated 26th May 1936.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State is published for general information.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Report of the Select Committee on the Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State.

We, the undersigned members to which the Bill for the suppression of immoral traffic was referred have considered the Bill at the meetings held on 27th March 1936 and 6th May 1936 and have now the honour to submit this, our report.

2. The Committee consider that the bill should deal mainly with the two connected questions of suppression of brothels and of immoral traffic and have made suitable changes in the bill to bring this out more clearly.

3. In this view we have altered the heading of the bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows:—

"Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the Mysore State; It is hereby enacted as follows:—"

4. *Clause 1 (a).*—The word "Mysore" should be omitted in the short title as it is unnecessary.

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6, 7 and 8 of the Bill as amended by us, provision is made for rescuing girls from brothels and placing them in rescue homes. The establishment of rescue homes in a local

area is therefore a condition precedent for the extension of these provisions to such area, and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (*b*) as follows :—

"1 (*b*) The Government may, from time to time, by notification in the official Gazette, apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

"Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area."

5. *Clause 2* (i).—In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" "place of public entertainment" should be omitted as clauses 4 and 5 which are the only clauses wherein they occur, are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate."

(iv) In the definition of "Magistrate" the words "a City Magistrate or" should be omitted as a stipendiary magistrate of the First Class will include a City Magistrate.

(v) In view of the provision in the General Clauses Regulation, the definition of "he" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2 :—

"Prescribed" means prescribed by rules made under this Regulation.

6. *Clause* 3.—The provision in the Bill in respect of solicitation has been taken from the Bombay Act which is an enactment specially applicable to the City of Bombay which has its own peculiar problems and difficulties in the matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in Mysore. We are of opinion that it is only where solicitation becomes an annoyance or nuisance, or offends against public

decency, that it should be penalised. We therefore recommend that the clause may be amended as follows :—

"3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency,

shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

7. *Clauses* 4 *and* 5.—As the main purpose of the bill is confined to suppression of brothels and immoral traffic in women and girls, it does not appear to be necessary to deal with offences other than those relating to them. Clauses 4 and 5 which are adopted from the Bombay Act are very wide and aim as it were, at the suppression of prostitution which is not the object of the present bill. Further, the offences as embodied in the clauses are difficult of proof and depend mostly on circumstantial evidence and special presumptions. For these reasons, we recommend that clauses 4 and 5 be deleted and that the subsequent clauses be renumbered.

8. *Clause* 6.—We have amended this clause as follows to make it more clear :—

"4. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both."

9. *Clause* 7.—The wording of this clause is vague. It is not clear what is meant by "bringing into any village or town or city" whether from outside the State or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of the offence. We have therefore amended the clause as follows :—

"5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both."

10. *Clause 8.*—The words "empowered under this Regulation" should be omitted as they are unnecessary. For the words "of a prostitute" the words "of prostitution" should be substituted, as the latter has been defined.

11. *Clause 9.*—We have redrafted clause 9 as follows :—

"7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing, shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl."

12. *Clause 10.*—We have recast this clause with some verbal alterations as follows :—

"8 When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, aided, or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl."

13. As the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the person having such custody the powers of a guardian over the minor girl. We recommend that the following clause be inserted as clause 9 on the lines of Section 19 of the Bengal Act, VI of 1933.—

"9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her partent, or any other person."

14. *Clause 11.*—This clause which has been adopted from the Bombay Act is very elaborate requiring also a special presumption for making out an offence and it

will cause difficulties in working. We consider that it will be sufficient and effective if we provide merely for the case of unlawful detention in a brothel. We recommend that sub-clause (a) be recast as follows, sub-clause (b) being omitted :—

"10. Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both."

15. *Clause* 12.--This clause is supplementary to sub-clause (b) of clause 11 which lays down a special presumption. Since the special presumption clause has been deleted, the majority of us are of opinion that clause 12 should also be deleted.

Messrs. D. S. Mallappa, H. C. Dasappa and T. Ramachandra are of opinion that this clause should be retained with a view to protect a woman rescued from a brothel from any civil or criminal proceedings at the instance of the brothel keeper in respect of any jewels, clothing or money given or lent to her. The majority however considered that the ordinary law itself gives sufficient protection and no special provision is necessary. If jewels, clothing or money have been given or lent to a woman or girl by the brothel keeper for carrying on the business of prostitution, the transaction is unlawful under law and he cannot recover them back.

16. *Clause* 13. This clause has been very elaborately worded—especially sub-clause (iii) for determination of the lease. A simple provision entitling the lessor to determine the tenancy on conviction of the tenant of an offence under this section would be sufficient. We have therefore redrafted this clause as follows:—

"11. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both ;

(2) Any person who,

(*a*) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(*b*) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such

premises, or any part thereof, as a brothel, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessees, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation."

17. *Clause* 14 *and* 15.—We have redrafted clauses 14 and 15 as follows :—

"12. Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3, 4, 5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

"13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3, 4, 5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 3, 4, 5 or 10 has been committed."

18. *Clause* 19.—We have redrafted the clause as follows :—

"14. No court inferior to that of a stipendiary Magistrate of the First Class shall try offences under sections 3, 4, 5, 10 and 11."

19. We have inserted the usual rule making clause as follows :—

"15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular;

(*a*) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Homes or other suitable custody under Section 7;

(*b*) for the detention of girls under the provisions of Section 8."

20. As there have been very many changes in the Bill, we recommend that it be republished.

(Sd.) S. P. Rajagopalachari,
(*Chairman.*)
" F. A. Hamilton.
" S. Subba Rao.
" H. V. Ramasvami.
" A. R. Nagesvara Iyer.
" K. R. Srinivasa Iyengar.
" D. V. Gundappa.
" H. C. Dasappa.
" Md. Abbas Khan.
" D. S. Mallappa.
" B. K. Garudachar.
Mr. T. Ramachandra has not yet intimated his approval.

BILL AS AMENDED BY THE SELECT COMMITTEE.

(Additions are indicated in italics and portions omitted are enclosed in square brackets).

BILL [TO ENFORCE LEGISLATION SUPPRESSING] *FOR THE SUPPRESSION OF BROTHELS AND* **IMMORAL TRAFFIC IN THE MYSORE STATE.**

Whereas it is to expedient [enforce the law regarding] *make provision for the* Suppression of *brothels and* Immoral Traffic in the Mysore State. It is hereby enacted as follows :—

SHORT TITLE.

1. (*a*) This Regulation may be called the [Mysore] Suppression of Immoral Traffic Regulation of 193 .

EXTENT.

[(*b*) This Section, Section 6, Section 12, Section 13, and Section 16 shall extend to the whole of the Mysore State. The rest of this Regulation shall extend, in the first instance, to the Cities of Bangalore and Mysore, but the Government may, by notification, extend to any other

local area, all or any of its provisions with such verbal modifications as, having regard to the principles of this Regulation, may be necessary for the purposes of such extension.]

"(b) *The Government may from time to time, by notification in the Official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.*

"*Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area.*"

DEFINITION.

2. In this Regulation, unless there is anything repugnant in the subject or context :—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof *habitually* allows to be used by any other person for the purposes of prostitution.

['Place of public amusement' shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money or with the intention that the money may be collected from those admitted, and shall include a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium or fencing school, massage room and turkish baths.

'Place of public entertainment' shall mean any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place ; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern, or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop.]

'Prostitution' means [indiscriminate] *promiscuous* sexual intercourse for hire.

'Magistrate' means [a City Magistrate or] a Stipendiary Magistrate of the First Class.

['He' means and includes 'She' also.]

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'Prescribed' means prescribed by rules made under this Regulation.

SOLICITATION.

3. [Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,

(*a*) by words, postures, wilful and indecent exposure of his or her person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or;

(*b*) solicits or molests any other person for the purpose of prostitution shall be punished with imprisonment for a period or term which may extend to three months, or with fine which may extend to one hundred rupees.]

Whoever,

(1) *in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or*

(2) *frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency*

shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."

[PROSTITUTION IN PLACES OF PUBLIC AMUSEMENT.]

[4. Whoever being the owner, keeper, landlord or manager of any place of public amusement or entertainment, knowingly permits prostitutes or procurers for the purpose of their trade to meet or remain in such place, shall be punished with fine which may extend to one hundred rupees.

LIVING ON THE EARNINGS OF PROSTITUTION.

5. (*a*) Any person over the age of sixteen who knowingly employs or causes or abets the employment by another person for prostitution and lives, wholly or in part on such earnings shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or both.

Presumption thereof.

(*b*) Where a person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

PROCURATION.

6. Any person who procures or attempts to procure or causes to procure any woman or girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or both.]

"4. *Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both.*"

IMPORTING WOMAN OR GIRL FOR PROSTITUTION.

[7. Any person who brings or attempts to bring or causes to be brought into any village, town or city in the State, any girl or woman, with a view to her becoming a prostitute, shall be punished with imprisonment which may extend to three years, or with fine which may extend to five hundred rupees, or with both.]

"5. *Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both.*"

[8] *6.* Where a Magistrate [empowered under this Regulation] has reason to believe from a report made to him by a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living or is carrying on or is being made to carry on the business of [a prostitute] prostitution in a brothel, disorderly house, or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation, and to remove therefrom such girl; and thereupon such Police Officer shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

COMMITMENT TO SUITABLE CUSTODY.

[9. A girl who has been so removed shall be brought before a Magistrate empowered under this Act, and the Magistrate shall cause an inquiry to be made and if satisfied that the girl is under 18 years of age and that she should be dealt with as therein provided, may make an order that such girl be placed, until she attains the age of 21 years or for any shorter period, in a Rescue Home provided or aided or recognised by the Government or in such other custody as the court for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or body of a different religious persuasion from that of the girl.]

"7. *A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl.*"

INTERMEDIATE CUSTODY OF THE GIRL REMOVED FROM BROTHEL, ETC.

[10. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of Section 8, the Superintendent of Police in Mysore or any other Police Officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a Rescue Home provided, aided, or recognised by the Government (other than a police station or jail), provided that as far as possible such custody shall not be that of a body of a different religious persuasion from that of the girl.]

"8. *When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, aided or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.*"

9. *Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person.*"

UNLAWFUL DETENTION FOR PROSTITUTION.

[11. (*a*) Whoever detaining any woman or girl against her will,

(i) in any house, room, or place in which the business of a common prostitute is carried on, or

(ii) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether with any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Presumption thereof.

(*b*) Where a woman or girl is in any house, room, or place in which the business of a common prostitute is carried on, or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (ii), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.]

"10. *Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.*"

[BAR OF CERTAIN LEGAL PROCEEDINGS.]

[12. No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments, or other property, alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.]

PUNISHMENT FOR KEEPING A BROTHEL OR ALLOWING PREMISES TO BE USED AS A BROTHEL.

"*11. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.*

(2) Any person who,

(a) *being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or*

(b) *being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel;*

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both,

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (a) *of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.*"

A

[13. (i) Any person who—

(*a*) keeps or manages or acts or assists in the management of a brothel; or

(*b*) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(*c*) being the lessor, or landlord of any premises or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same or any part thereof,

may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees.

Punishment for Subsequent Offence.

B

13. (ii) Any person who, having been convicted of an offence punishable under Section A, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may in addition to such punishment, be required by the court to execute a bond, with sureties, for his good behaviour for such period not exceeding three years, as the court may direct, and in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to the punishment awarded in respect of his offence.

Determination of Tenancy of Premises on Conviction for Permitting use as a Brothel or for Purposes of Habitual Prostitution.

C

13. (iii) (*a*) On conviction of the tenant, lessee or occupier for any offence under Section A, clause (*b*), the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him, to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any part to such lease or contract accruing before the date of such determination.

(*b*) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (*a*), the court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to

the landlord or lessor within such time, not being less than seven days, as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor after he has received notice in writing of such conviction fails to exercise his rights under sub-section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.]

ARREST WITHOUT WARRANT.

"12. *Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under Sections 3, 4, 5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.*

"13. *Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under Sections 3, 4, 5 or 10 has been or is*

the landlord or lessor within such time, not being less than seven days, as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor after he has received notice in writing of such conviction fails to exercise his rights under sub-section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.]

ARREST WITHOUT WARRANT.

"12. *Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under Sections 3, 4, 5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.*

"13. *Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under Sections 3, 4, 5 or 10 has been or is*

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being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 3, 4, 5 or 10 has been committed."

[14. (*a*) Any Police Officer, not below the rank of an Inspector on information, and, if the offence is committed in his view, any Police Officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing an offence punishable under Section 3.

(*b*) Any Police Officer, not below the rank of an Inspector, may, without an order from a Magistrate and without warrant, arrest any person who has been concerned in an offence punishable under Section 11, or against whom a reasonable complaint has been made or credible information has been received, of his having been concerned in an offence under sub-section (*c*) of Section 13 (i).

POWER TO ENTER PREMISES.

15. If the Magistrate or the District or a First Class Magistrate or the District Superintendent of Police or Assistant Superintendent of Police, holding jurisdiction in the area, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7 and 11, has been or is being committed in any building, enclosure, room, place in which he has reason to believe that any woman or girl is living in respect of whom, an offence punishable under Sections 5, 6, 7 or 11 has been committed, may either himself enter or by his warrant give authority to any Police Officer, not below the rank of a Police Inspector, to enter with such assistance as may be found necessary, by night or by day and by force, if necessary.

Any Police Officer, not below the rank of an Inspector, authorised in this behalf by the District Magistrate by special order may, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7, 8 or 11 has been or is being committed, enter without a warrant, any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 5, 6, 7, 8 or 11 has been committed.]

OFFENCES TRIABLE BY CERTAIN MAGISTRATES ONLY.

[16. Offences punishable under Sections 5, 6, 7 or 8 shall be triable by the Courts of Sessions, City Magistrates and Stipendiary Magistrates of the First Class only.]

"14. *No court inferior to that of a stipendiary Magistrate of the first class shall try offences under Sections 3, 4, 5, 10 and 11.*"

"15. *The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular*

(a) *for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under Section 7;*

(b) *for the detention of girls under the provisions of Section 8.*"

No. 4675—Encls.—L.C., Bangalore, dated 26th May 1936.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Agriculturists' Relief Regulation is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore Agriculturists' Relief Regulation.

Whereas it is expedient to further amend the Mysore Agriculturists' Relief Regulation, 1928, it is hereby enacted as follows:—

After Sub-section (1) of Section 4 of the Mysore Agriculturists' Relief Regulation, 1928, the following new Sub-section shall be inserted, namely—

(1-A) Notwithstanding anything to the contrary contained in this Regulation, the question as to the status of a party as an agriculturist, in suits filed after—shall be raised at the earliest possible opportunity.

Statement of Objects and Reasons.

From Explanation (*c*) to Section 2 of the Mysore Agriculturists' Relief Regulation, 1928, it would appear that a party to a suit under the Regulation could raise the question of status of an agriculturist for claiming the benefit of the Regulation, at any stage of the suit. Such a provision might have been all right at the time the Regulation was passed since there were pending suits and the Regulation was made applicable to them also.

In fairness to the plaintiffs and to the Courts it is desirable that in future suits, the defendant should be required to raise his claims for the benefit of the Regulation at the earliest possible moment.

It is accordingly proposed to amend the Regulation as in the Bill.

No. 4677 *Dncls.—L. C., Bangalore, dated* 26*th May* 1936.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Registration Regulation, 1903, is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary, Mysore Legislative Council.

Bill further to amend the Mysore Registration Regulation, 1903.

Whereas it is expedient further to amend the Mysore Registration Regulation, 1903, it is hereby enacted as follows :—

1. This Regulation may be called the Mysore Registration Amendment Regulation, 193—

2. It shall come into force on—

3. The following shall be added as Sub-Sections (3) and (4) of Section 12, the two paragraphs in the Section as it stands at present being numbered as Sub-Sections (1) and (2).

"(3) A Registrar may, by order in writing and subject to such restrictions as the Government may

impose, suspend or fine any Sub-Registrar subordinate to him. Any Sub-Registrar aggrieved by an order of the Registrar under this Section may, within 30 days of the date of the order, appeal to the Inspector-General of Registration whose orders in appeal shall be final."

"(4) Notwithstanding anything contained in this section, Government may call for and examine the records of the proceedings under Sub-Sections (2) and (3) of the Inspector-General of Registration or of any Registrar for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and if in any case it shall appear to the Government that any decision or order should be modified, annulled or reversed, Government may pass such orders as it deems fit."

Statement of Objects and Reasons.

Ex-officio Sub-Registrars are primarily Officers of the Revenue Department and questions of disciplinary control over these officers by the District Registrars and the Inspector-General of Registration for acts of commission and omission in the Registration Department have often come up before Government for decision. There is at present no provision in the Registration Regulation giving powers to the officers of the Registration Department over *Ex-officio* Sub-Registrars. The Bill is intended to supply this defect and give some measure of control to the District Registrar, and the Inspector-General of Registration.

No. 4679—*L. C., Bangalore, dated 26th May* 1936.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927, is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927.

Whereas it is expedient to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927; It is hereby enacted as follows :—

1. Add the following as a further proviso at the end of Section 25 :

"Provided further that on the cessation of such management the Government may, while giving back the management of the property, impose such restrictions for such period as the Government may deem fit, in the interests of the Institution."

2. Insert the following as Section 40 B after 40 A of the said Regulation :—

"No suit or other proceeding shall lie against any person for anything done or intended to be done, in good faith under this Regulation or under any rule made thereunder."

Statement of objects and reasons.

Under Section 25 of the Regulation the Government may take over possession and management of the properties of any Mathadhipathi or other Institution of similar nature in certain specified cases, *viz.*, voluntary agreement, minority of Mathadhipathi and when there is no Mathadhipathi actually appointed, etc. The latter part of the Section lays down that such possession shall cease on the termination of the agreement or when the minority terminates, or when a successor is duly appointed. It follows from this, that in cases of minority and vacancy, the management has to be handed over immediately to the successor or to the minor who has become major. There is no provision in the Regulation, enabling Government to impose any conditions which may be considered necessary in the interests of the Institution at the time of restoration. It seems desirable in the case of the Mutts presided over by young Mathadhipathies that some control should be exercised by Government, even after restoration of the properties, so as to safeguard the permanent interests of the Mutts themselves and to avoid the necessity of more drastic action later. It is therefore

desirable to amend the Regulation providing a clause therein, giving power to Government to impose suitable restrictions while giving back possession in such cases. Government therefore propose that a clause may be added to this Section.

The Regulation also contemplates several kinds of acts to be undertaken by Muzrai Officers such as management of properties of the Mutts, management of properties belonging to other Charitable Institutions, the conduct of enquiries, etc. It is usual in legislation of this kind to put in a clause giving proper protection to Government Officers in the *bonafide* discharge of their duties. Government propose therefore that a new section containing this provision be inserted after Section 40 A as Section 40 B of the said Regulation.

No. 4703—L. C., Bangalore, dated 27th May 1936.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to make provision for the setting up of Debt Conciliation Boards in Mysore to relieve agriculturists from indebtedness is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

A Bill to make provision for the setting up of Debt Conciliation Boards in Mysore to relieve agriculturists from indebtedness.

Preamble.

Whereas it is expedient to relieve agriculturists from indebtedness by amicable settlement between them and their creditors;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Debt Conciliation Regulation 193—

(2) It extends to the whole of Mysore.

(3) It shall come into force in such areas and on such dates as the Government may, by notification in the Official Gazette, direct.

2. In this Regulation unless there is anything repugnant in the subject or context. Definition.

(a) the expressions "holder," "holding," "tenant" and "village" shall have the meaning assigned to them in the Mysore Land Revenue Code, 1888;

(b) "agriculture" includes horticulture, the use of land for any purpose of husbandry inclusive of the keeping or breeding of live-stock, poultry or bees, sericulture and the growing of fruits, vegetables and the like;

(c) "Board" means a Debt Conciliation Board established under sub-section (1) of section 3;

(d) "creditor" means a person to whom a debt is owing and includes a co-operative society;

(e) "debt" includes all liabilities owing to a creditor, in cash or kind, secured or unsecured, whether payable under a decree or order of a civil court or otherwise, whether mature or not, but shall not include arrears of wages, land revenue or anything recoverable as an arrear of land revenue, rent as defined in the Mysore Land Revenue Code, 1888, or any money for the recovery of which a suit is barred by limitation;

(f) "debtor" means a person—

(i) who earns his livelihood mainly by agriculture or who is a holder, whether he cultivates the land personally or otherwise; and

(ii) whose debts exceed one hundred rupees.

(g) "prescribed" means prescribed by rules made under this Regulation;

(h) "secured debt" includes mortgage debt or any debt for which there is security, lien or charge on immovable property created by deed, statute or otherwise;

(i) "secured creditor" means a creditor who holds for his debt a security by way of mortgage, lien or charge on immovable property created by a deed, statute or otherwise.

3. (1) The Government may establish a Debt Conciliation Board for any district or part of a district. Such board shall consist of a Chairman and two members appointed by the Government, which may, for reasons to be recorded in writing, cancel any appointment or dissolve any Board. Establishment of Debt Conciliation Boards.

(2) The Chairman and every member of a board so established shall be appointed for a term not exceeding

three years. Such Chairman or member may, on the expiration of the period for which he has been appointed, be again appointed for a further term not exceeding three years.

(3) A board shall have such quorum as may be prescribed.

(4) Where the Chairman and members of a board are unable to agree, the opinion of the majority shall prevail. Where the Board is equally divided, the Chairman shall have a casting vote.

(5) When a board is dissolved or otherwise ceases to exist, the Government may, at any time establish another board for the area for which the former board was established and may declare the board newly established to be the successor in office of the board which has ceased to exist and such board shall exercise all the powers under the Regulation.

Application for settlement between debtor and his creditors.

4. (1) A debtor may make an application for the settlement of his debts to the board established for the local area within which he ordinarily resides, or if no board has been established for that local area, to the board established for any local area in which he holds immovable property, if any, but he shall not apply to more than one board.

(2) Unless the debtor has already made an application under sub-section (1), any of his creditors may make an application to a Board to which the debtor might have applied under that sub-section.

(3) If applications for the settlement of the debts of the same debtor are made to more than one board, such applications shall, in accordance with rules made under this Regulation, be transferred to and dealt with by one board as one single application.

Verification of application.

5. Every application to a board shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1911, for signing and verifying plaints.

Particulars to be stated in application.

6. (1) Every application made by a debtor to a board shall contain the following particulars, namely :—

(*a*) a statement that the debtor is unable to pay his debts;

(*b*) the place where he resides;

(*c*) the amount and particulars of all claims against him together with the names and residences of his credi-

tors and, in the case of a creditor who is a minor or a lunatic, the name of his guardian or the person in whose charge the property of such creditor is, so far as they are known to, or can, by the exercise of reasonable care and diligence, be ascertained by him; and

(*d*) particulars of the debtor's property, both movable and immovable (including claims due to him), a specification of the value thereof and of the places where the same may be found and details of any mortgage, lien or charge subsisting thereon.

(2) Every application made by a creditor shall contain the following particulars, *viz.*,

(*a*) the place where the debtor resides; and

(*b*) the amount and particulars of his claim against such debtor.

Rejection of application.

7. The application shall be rejected if it does not comply with any of the requirements mentioned in sections 5 and 6.

The rejection of an application under this section shall not preclude the applicant from making a fresh application.

Procedure on application.

8. (1) On receipt of an application under section 4, the board shall unless it rejects the application under section 7 pass an order fixing a date and place for hearing the application.

(2) Notice of the order under sub-section (1) shall be sent by registered post to the debtor and creditors.

(3) If the application is made by a creditor, the debtor shall, on his appearance, furnish the particulars mentioned in sub-section (1) of section 6 and notice shall be sent to all the creditors specified by him.

Dismissal of application.

9. An application under section 4 may be dismissed by the board at any stage of the proceeding.

(*a*) if, for reasons to be stated in writing the board does not consider it desirable or practicable to effect a settlement of debts; or

(*b*) if, in the opinion of the board, the applicant fails to pursue his application with due diligence;

Provided that, when such applicant is a creditor, the board, instead of dismissing such application, may substitute the debtor or any other creditor, who shall thereafter be deemed to be the applicant for the purposes of this Regulation; or

(c) if the application includes a claim which, in the opinion of the board, is collusive and intended to defraud any creditor.

Notice calling upon creditors to submit statements of debts.

10. (1) If, after examining the debtor, it is in the opinion of the board desirable to attempt to effect a settlement between him and his creditors, a notice shall be issued and served or published in the manner prescribed, calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1911, for signing and verifying claims and shall be submitted to the board within two months from the date of service or publication of the notice as the case may be;

Provided that, if the board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such directions, it may extend the period for the submission of his statement of the debt owed to him.

(2) Subject to the provisions of sub-section (3) every debt of which a statement is not submitted to the board in compliance with the provisions of sub-section (1) shall be deemed for all purposes and all occasions to have been duly discharged.

(3) If a creditor proves to the satisfaction of the board or a civil court that the notice was not served on him or that he had no knowledge of the publication thereof or that for some other sufficient reason, he was unable to submit the statement, the board or court may revive the debt, if the creditor files an application in that behalf within two months after he becomes aware of the proceedings taken under this section;

Provided that creditor shall not be entitled to apply under this sub-section to the board and to a civil court simultaneously or to apply to either the board or a civil court after having applied to the other.

Procedure on submission of statement of debts.

11. (1) Every creditor submitting a statement of the debts owed to him in compliance with a notice issued under sub-section (1) of section 10 shall furnish, along with such statement full particulars of all such debts and shall at the same time produce all documents, including entries in books of account on which he relies to support his claims, together with a true copy of every such document.

(2) The board shall, after marking for the purpose of identification every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

(3) If any document which is in the possession or under the control of the creditor is not produced by him as required by sub-section (1) the document shall not be admissible in evidence against the debtor in any suit brought by the creditor or by any person claiming under him for the recovery of the debt;

Provided that the board or the court shall have power to excuse for valid reasons any default or delay in producing the document and to grant reasonable time for producing the same in any proceeding pending before it.

Power of board to decide dispute as to the existence or amount of debts or assets.

12. (1) The Board shall call upon the debtor and each creditor respectively to explain his case regarding each debt.

(2) If there is a dispute as to the existence or the amount of the debt due to any creditor or the assets of any debtor the board may decide the matter after taking such evidence as may be adduced by all the parties concerned and such decision shall be binding on all parties in all proceedings before the board;

Provided that a decree of a civil court relating to a debt shall be conclusive evidence as to the existence and amount of the debt.

(3) The board shall prepare a complete schedule of the creditors and of the assets and liabilities of the debtor.

Power of board to require attendance of persons and production of documents.

13. (1) Subject to rules made under this Regulation, a board may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on a civil court by the Code of Civil Procedure, 1911.

(2) Any person present may be required by a board to furnish any information or to produce any document then and there in his possession or power.

Agreement of amicable settlement, its registration and effect.

14. (1) If the creditors to whom more than 50 per cent of the total amount of the debtor's debts is owing come to an amicable settlement with the debtor, such settlement shall forthwith be reduced to writing in the form of an agreement recording the amounts payable to such creditors and the manner in which and the times at which they are to be paid. Such agreement, if considered

equitable by the board, shall be read out and explained to the parties concerned, and shall be signed or otherwise authenticated by the board and the parties who have agreed to the amicable settlement;

Provided that, when a co-operative society is one of such creditors, no settlement, in so far as it affects the debts owing to such society, shall be valid without the previous approval in writing of the Registrar of Co-operative Societies in Mysore.

(2) An agreement made under sub-section (1) shall, within thirty days from the date of the making thereof, be registered under the Mysore Registration Regulation, 1903, by the Chairman of the Board in such manner as may be prescribed and it shall then take effect as if it were a decree of a civil court, and be executable as such.

(3) For the purpose of the registration of an agreement under sub-section (2), the Chairman of the board shall be deemed to be an officer of Government empowered to execute such agreement within the meaning of section 88 of the Mysore Registration Regulation, 1903.

(4) If, after the making of an agreement under sub-section (1), any debt is revived by the board or a civil court under sub-section (3) of section 10, the agreement and all proceedings taken in pursuance thereof shall stand cancelled; the application under section 4 shall be deemed to have been received in the office of the board on the date of such revival; and all the provisions of this Regulation shall apply in respect of the application accordingly.

15. In any scheme of debt conciliation under this Regulation such properties as are exempt from attachment under the Code of Civil Procedure, 1911, shall not be taken into account and shall be left to the judgment debtor free from any liability for his debts.

16. In any scheme of debt conciliation under this Regulation, no creditor shall be allowed a greater amount in satisfaction of both principal and interest than twice the amount of the principal and if the debt was incurred before the first day of—twice the amount due on the said date.

17. If no amicable settlement is arrived at under sub-section (1) of section 14 within 12 months from the date of the application under section 4, the board shall dismiss the application.

18. (1) If a debtor defaults in paying any amount due in accordance with the terms of an agreement registered under sub-section (2) of section 14, such amount shall be recoverable as an arrear of land revenue on the application of the creditor made to the Deputy Commissioner within ninety days from the date of default.

(2) Where the Deputy Commissioner fails to recover as an arrear of land revenue any part of such amount, he shall certify that it is irrecoverable and thereupon the agreement shall cease to subsist.

(3) Where an agreement ceases to subsist, any amount which was payable under such agreement but has not been paid shall be recoverable as if a decree of a civil court had then been passed for its payment.

19. (1) Where, during the hearing of any application made under section 4, any creditor refuses to agree to an amicable settlement, the board shall, if it is of opinion that the debtor has made such creditor a fair offer which the creditor ought reasonably to accept, grant the debtor a certificate, in such form as may be prescribed in respect of the debts owed by him to such creditor.

The board, in coming to a decision whether the offer made is fair or not, may take into consideration—

(i) the fall or rise in the value of land and its produce, in the locality;
(ii) the amount of consideration actually received;
(iii) the reasonableness of the rates of interest;
(iv) the onerous conditions, if any, subject to which the loan was granted;
(v) whether at any time, the creditor or the debtor was offered settlement of the debt in full or part and if so what the terms were; and
(vi) any other particulars which the board thinks it desirable to take into account.

(2) Where any creditor sues in a civil court for the recovery of a debt in respect of which a certificate has been granted under sub-section (1), the court shall, notwithstanding the provisions of any law for the time being in force, not allow the plaintiff any costs in such suit, or any interest on the debt after the date of such certificate in excess of simple interest at 6 per cent per annum on the principal amount due on the date of such certificate.

(3) Where after the registration of an agreement under sub-section (2) of section 14, any unsecured creditor sues for the recovery of a debt (other than a debt incurred subsequent to such agreement) in respect of which a certificate has been granted under sub-section (1) or any creditor sues for the recovery of a debt incurred after the date of such agreement, any decree passed in such suit shall, notwithstanding anything contained in the Code of Civil Procedure, 1911, not be executed as against the assets if any, set apart in the agreement for the satisfaction of the agreed debts until all amounts recorded as payable under such agreement have been paid.

20. No civil court shall entertain—

(*a*) any suit in respect of

(i) any matter pending before a board; or

(ii) the validity of any procedure or the legality of any agreement made under this Regulation; or

(iii) the recovery of any debt recorded as wholly or partly payable under an agreement registered under sub-section (2) of section 14 from any person who, as a debtor, was party to such agreement whether such agreement is subsisting or not; or

(iv) the recovery of any debt which has been deemed to have been duly discharged under sub-section (2) of section 10 except a debt which is revived under sub-section; (3) of that section.

(*b*) any application to execute a decree the execution of which is suspended under sub-section (3) of section 19.

21. Every transfer of property made, with intent to defeat or delay the creditors of the debtor, after an application has been made to a board under s ction 4 and until the agreement registered in respect of such application has ceased to subsist. shall be voidable at the option of any creditor so defeated or delayed.

22. Any alienation of land for a fair price made with the sanction of the board in pursuance of or to carry out the agreement mentioned in section 14 shall not be considered as a fraudulent preference under the Mysore Insolvency Regulation, 1925 nor shall such alienation be voidable under section 53 of the Transfer of Property Regulation, 1918.

23. No appeal or application for revision shall lie against any order passed by a board.

24. A board may, on the application from any person interested made within ninety days of the passing of an order, review any order passed by it and pass such order in reference thereto as it thinks fit.

Provided that no order shall be varied or reversed unless notice has been given to the persons interested to appear and be heard in support of such order.

25. In any proceedings before a board, any party may appear in person or with the permission of the board by a legal practitioner or an agent authorised in writing.

26. When an application has been made to a board under section 4, any suit or other proceedings then pending before a civil court in respect of any debt for the settlement of which application has been made shall be suspended until the board has dismissed the application.

27. Where in the course of an inquiry into an application made under section 4 a board finds that there is any sum owing to Government on account of loans advanced under the Land Improvement Loans Regulation 1890 or otherwise, the board shall report this fact through the Deputy Commissioner to the Revenue Commissioner in Mysore.

28. (1) In calculating the period of limitation for any suit filed in, or proceedings before, a civil court for the recovery of a debt which was the subject of any proceedings under this Regulation the time during which such proceedings were pending as well as the time taken for the obtaining of certified copies of the order of the board shall be excluded.

(2) The period during which proceedings under this Regulation have been pending including the actual period fixed in the agreement for payment of all the debts shall, in all suits filed or proceedings taken, in civil courts to recover debts, be excluded from computation under section 48 of the Code of Civil Procedure, 1911 or under the Mysore Limitation Regulation, 1911.

29. The members of a board shall be deemed to be public servants within the meaning of the Indian Penal Code as in force in Mysore.

30. In addition to any power specially conferred by this Regulation, the Government may make rules—

(a) prescribing the quorum for, and regulating the procedure before a board;

(*b*) prescribing the manner in which notices shall be issued and served or published under sub-section (1) of section 10;

(*c*) prescribing the charges to be made by a board for anything done under this Regulation and the persons by whom and the manner in which such charges shall be paid;

(*d*) prescribing the records to be kept and the returns to be made by a board;

(*e*) prescribing the allowances, if any, to be paid to the Chairman and members of a board;

(*f*) regulating the power of a board to summon parties and witnesses under section 13 and the grant of expenses to witnesses;

(*g*) prescribing the place at which and the manner in which an agreement shall be registered under sub-section (2) of section 14;

(*h*) prescribing the form of certificate to be granted under sub-section (2) of section 18 or sub-section (1) of section 19; and

(*i*) generally, for the purpose of carrying into effect the provisions of this Regulation.

31. (1) All rules for which provision is made in this Regulation shall be made by Government and shall be consistent with this Regulation.

(2) All rules shall be subject to the condition of previous publication.

(3) In making any rule, Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach has been persisted in.

Statement of Objects and Reasons.

The Committee appointed by the Government in 1934 to consider measures of relief to the agriculturists to tide over the economic depression, recommended, among other measures, the reduction of agricultural debts by conciliation between the debtors and the creditors. In accepting the recommendation, the Government have come to the conclusion that a scheme of bebt conciliation on a voluntary basis may be introduced. For implementing this, the Government propose to introduce a Bill to make provision

for the setting up of Conciliation Boards to relieve agriculturists' indebtedness on the line of the Acts which have been passed in the Central Provinces and Madras. The main provisions of the Bill are as follows:—

This measure applies to agriculturists who earn their living mainly by agriculture and whose debts exceed Rs. 100.

It provides for the appointment of Debt Conciliation Boards consisting of a Chairman and two members appointed by the Government, who shall hold office for a period of three years.

Any creditor or debtor who wants the intercession of the board may apply to it.

Notice is sent to the creditors and the debtor and the creditor are brought face to face with each other.

The board tries to persuade the parties to come to an amicable settlement. If the creditors to whom not less than 50 per cent of the debts are due and the debtor agree to a settlement, that agreement is recorded by the board and registered and it has got the same effect as a decree of a civil court.

The amounts due under the agreement if not paid, shall be recoverable by the Deputy Commissioner as an arrear of land revenue. If they are not so recovered, the amount may be recovered as if a decree of a civil court had been passed for its payment.

In case there is no settlement and the creditor is responsible for refusing to agree to an amicable settlement, the board shall, if it is of opinion that the debtor has made a fair offer, grant the debtor a certificate in respect of the debts owed by him to such creditor. If the creditor subsequently sues in a court for the recovery of a debt in respect of which a certificate has been granted, the court shall not allow the creditor costs of the suit or interest at more than 6 per cent after the date of such certificate.

Further, if after the registration of an agreement any unsecured creditor sues for the recovery of a debt, any decree passed in such a suit shall not be executed as against the assets of the debtor set apart in the agreement until all the amounts regarded as payable under such an agreement have been paid.

Even those creditors who are not inclined to agree to an amicable settlement will be induced to agree, since otherwise they will not get any relief until all those who

have agreed obtain relief. There are provisions in the Bill which act as deterrents to creditors who refuse to be accommodative and as inducements to those who are helpful.

The jurisdiction of a civil court is barred in respect of any matter pending before the board.

Any order passed by the board will be final.

No. 4689—L. C., Bangalore, dated 27th May 1936.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to regulate the employment of women in factories sometime before and sometime after confinement and to provide for the payment of maternity benefit to them is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

Bill to regulate the Employment of Women in Factories sometime before and sometime after Confinement and to provide for the Payment of Maternity Benefit to them.

Whereas it is expedient to regulate the employment of women in factories sometime before and sometime after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided: It is hereby enacted as follows:—

1. This Regulation may be called the Mysore Maternity Benefit Regulation, 193 .

2. (1) It extends to the whole of Mysore.

(2) It shall come into operation on the first day of

3. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "Employer" includes an occupier of a factory as defined in the Mysore Factories Regulation, 1936, and the manager of a factory.

(*b*) The expressions "factory," "Inspector of Factories" and "Worker" shall have the same meanings as are respectively assigned to them under the Mysore Factories Regulation, 1936.

(*c*) "Maternity benefit" means the amount of money payable under the provisions of this Regulation to a woman worker in a factory.

"(*d*) "Wages" includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance or any deduction or payment made on account of fines."

4. After this Regulation comes into operation,

(1) no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her delivery; and

(2) no woman shall work in any factory during the four weeks immediately following the day of her delivery.

5. (1) Subject to the provisions of this Regulation every woman employed in a factory shall be entitled to the payment of maternity benefit at the rate of her average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under sub-section (1) of section 6 or at the rate of eight annas a day, whichever is less, for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2);

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than nine months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be eight weeks, that is to say, four weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Regulation who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until four weeks after the day of her delivery.

(3) Maternity benefit shall be paid by the employer to the woman entitled thereto after taking her wishes into consideration in any one of the following three ways, namely :—

(i) for four weeks—within forty-eight hours of the production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child; or

(ii) for the period up to and including the day of delivery within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5 punctually four weeks after the production of such certified extract from a birth register; or

(iii) for the entire period for which the woman is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production, within six weeks of her delivery, of a certified extract from a birth register stating that she has given birth to a child;

Provided that no woman shall be entitled to any maternity benefit or any part thereof, the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section unless such extract has been produced within six months of the day of her delivery.

Regd. No. M.—1175

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 27.

BANGALORE, THURSDAY, JULY 2, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATION.

No. P. 8609—Legis., dated Bangalore, the 27th June 1936.

In exercise of the powers conferred on them under Sections 13 and 22 of the Mysore Road Traffic and Taxes Regulation, 1935, the Government of His Highness the Maharaja are pleased to exempt from payment of all taxes and tolls due under the said Regulation and also from Municipal tolls leviable under the Mysore City, Town and Minor Municipalities Regulation, the undermentioned motor vehicles belonging to His Highness the Maharaja Scindia of Gwalior during His Highness's stay in Mysore State.

1. Dodge, body of black colour, bearing Gwalior State No. 18.
2. Chrysler, body of black colour, bearing Gwalior State No. 15.
3. Military Dodge Truck, bearing Gwalior State No. 19.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 30

BANGALORE, THURSDAY, JULY 23, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATION.

No. D. 353—Geol. 54-33-7, dated Bangalore, 17th July 1936.

Under Section 15 of the Mysore Explosives Regulation No. II of 1888, the accompanying draft of the amendments to the Mysore Explosives Rules framed under Section 4 of the said Regulation is published for the information of all persons interested. Any objections or suggestions in regard to them should be sent to the undersigned within a month from the date of issue of this notification.

By Order,

M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

Draft Amendments to the Rules under the Mysore Explosives Regulation, II of 1888.

Rule 23 (e)—

Delete Rule 23 (*e*) (i) and re-number the other clauses (ii) to (ix) as (i) to (viii).

Rule 40 (3)—Page 17.—

Substitute the following for sub-rule (3).—

"(3) The fee for the amendment of a license shall be one rupee plus the difference (if any) between the fee that would have been payable if the license had originally been issued in the amended form and the fee paid for the original license:

Provided that no fee shall be chargeable in the case of amendments made to licenses in Form 'E' or Form 'EE' issued to cultivators."

Form E—Article 7 of Schedule I, Page 60.—

Column 1—Delete the words "and place of residence."

Column 2—For the words "description and quantity of explosives to be possessed during the year" substitute the words "Place of residence."

Add the following as condition 2.—

"The licensee shall keep a register of all receipts and issues in such form as the Government may from time to time direct. He shall exhibit his stock and register to any Magistrate or to any Police Officer duly empowered in this behalf, whenever such Magistrate or Officer may call upon him so to do."

Omit the existing proviso to condition 2, viz.—

"Provided that 30 lbs. of gunpowder and 10 lbs. of any other explosive and 100 detonators may be kept inside a dwelling house or in any building other than as last aforesaid in a receptacle exclusively appropriated to keeping explosives"

and re-number the subsequent conditions serially.

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Article 8—Schedule I—Page 38.—

In Article 8 for the entries in the 2nd and 4th columns the following shall be substituted :—

(i) In the 2nd column for the letter 'E' the letters 'EE' shall be substituted.

(ii) In the 4th column for the words "one hundred pounds of gunpowder" the words "thirty pounds of gunpowder" shall be substituted.

Article 8—Schedule I—Page 63.—

Insert the appended Form as—"EE."

Rule 49—sub-rule (3)—Proviso—Page 19.—

In the proviso to sub-rule (3) of Rule 49, the word and letters "or 'EE'" shall be inserted after the letter 'E'.

Rule 53—Page 20.—

In Rule 53 the words "one rupee" shall be substituted for "eight annas" occurring in line 4.

Rule 57—Page 21.—

After sub-rule (2) the following shall be inserted as sub-rule (3).—

"(3) The fee chargeable on such permit shall be two rupees."

Rule 59—Page 22.—

Add the following as Rule 59-A:—

"59-A. A fee of one rupee shall be charged on a permit granted under Rule 58 or 59."

SCHEDULE I.

Page 37—Article 1—Column 6.—

In Article 1, for the letters and figures "Rs. 5" in column 6, the letters and figures "Rs. 10" shall be substituted.

Article 3—Column 6.—

In Article 3 for the entry in column 6, the following shall be substituted, namely :—

	Rs.	a.
"Covering the maximum quantity of explosives allowed or any less quantity exceeding one-half such maximum	30	0

	Rs.	a.
Covering half such maximum or any less quantity exceeding one-fourth	15	0
Covering one-fourth such maximum or any less quantity"	5	0

Article 4—Column 6.—

In Article 4, for the entry in column 6, the following shall be substituted :—

"Covering the maximum quantity of explosives allowed or any less quantity exceeding one-half such maximum	15	0
Covering half such maximum or any less quantity exceeding one-fourth	7	8
Covering one-fourth such maximum or any less quantity"	2	8

Article 5—Column 6.—

In Article 5, for the entry in column 6, the following shall be substituted, namely :—

"Covering the maximum quantity of explosives allowed or any less quantity exceeding one-half such maximum	5	0
Covering half such maximum or any less quantity exceeding one-fourth	2	8
Covering one-fourth such maximum or any less quantity"	1	0

Article 6—Column 6.—

In Article 6, for the entry in column 6, the following shall be substituted, namely :—

"Half the fees chargeable on the same explosive in the same quantity in Articles 3, 4 and 5, respectively."

Article 7—Column 6.—

In Article 7, for the entry in column 6, the following shall be substituted, namely :—

"Free of charge to cultivators but Rs. 3 from contractors and other persons."

Article 8—Column 6.—

In Article 8, for the entry in column 6, the following shall be substituted, namely :—

"Free of charge to cultivators but Rs. 2 from contractors and other persons."

Articles 11 to 16—Page 40.—

In Articles 11 to 16, for the entries in column 6, the following shall be substituted, namely :—

"Rs. 7—8.
" 22—8.
" 30—0.
" 7—8.
" 10—0.
" 30—0."

Article 15—Column 4.—

In Article 15, for the entry in column 4, the following shall be substituted, namely :—

"Any explosive covered by the license granted under Article 12 or 13 in any quantity."

Contents Sheet—Page (iii) and Heading in middle of Page 21.

"The words 'to be granted free of cost' occurring in the heading to Rules 57 to 59 shall be deleted."

SCHEDULE II—Forms.

(i) In Form C, for the words and brackets "(Fee—Eight Annas in Stamps)" the words and brackets "(Fee— Rupees in Stamps)" shall be substituted.

(ii) In Form E, for the words and brackets—

"(Free of charge)" the words and brackets (Free of charge to cultivators) / (Fee—Three Rupees "in Stamps from contractors and other persons)" shall be substituted.

(iii) In Form F, for the words and brackets—

"(Fee—Five Rupees in Stamps)" the words and brackets "(Fee— Seven Rupees and Eight Annas in Stamps)" shall be substituted.

(iv) In Form J, for the words and brackets—

"(Fee Fifteen/Twenty Rupees in Stamps)," the words and brackets "(Fee Twenty-two Rupees and Eight Annas/Thirty Rupees in Stamps)" shall be substituted.

(v) In Form K, for the words and brackets—
"(Fee—Five Rupees in Stamps)" the words and brackets "(Fee $\frac{\text{Seven Rupees and Eight Annas}}{\text{Ten Rupees}}$ in shall be substituted.

(vi) In Form L, for the words and brackets—
"(Fee—Rupees Twenty in Stamps)," the words and brackets "(Fee—Thirty Rupees in Stamps)" Stamps)" psshall be substituted.

C. E. SURYANARAYANA RAU,
Chief Inspector of Mines and Explosives in Mysore.

Oorgaum, 21st March 1934.

FORM EE.

(ARTICLE 8 OF SCHEDULE I).

(Free of charge to cultivators for agricultural purposes)
(Fee—Two Rupees in Stamps for non-agricultural purposes)

LICENSE TO POSSESS GUNPOWDER REQUIRED FOR BLASTING PURPOSES.

(Granted by the District Magistrate or any Magistrate of the First Class or any Magistrate of the Second Class specially authorised by the District Magistrate in this behalf) : –

Name, etc. of License	Place of residence	Place with full details, where gunpowder is to be possessed.	Maximum quantity of gunpowder (not exceeding 30 lbs.) to be kept at any one time	Date on which license expires

(Seal)

.....District (Signature)
Dated.....193 .. *of District Magistrate.*

CONDITIONS.

1. This license is granted subject to the provisions of the Mysore Explosives Regulation, II of 1888, and Rules thereunder.

2. The gunpowder shall be kept, within a building, in a substantial case, strong close-knit double canvas or cloth bag, canister or other receptacle made and closed so as to prevent the gunpowder from

escaping and unauthorised persons from having access thereto, and secured from danger from without.

3. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the gunpowder and from any room or part of a building, fireproof safe or receptacle containing the same and no person entering such room or part of any building or such safe or receptacle shall have any iron or steel in his possession or attached to or on his boots or shoes.

4. The receptacle in which the gunpowder is kept shall not have any exposed iron or steel in the interior thereof.

5. The licensee shall at the time of purchase have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature :—

(a) the name and address of the person who takes delivery of the articles purchased ;

(b) the nature and amount of the articles purchased ; and

(c) the date of purchase.

6. All losses, shortage of stock or thefts of gunpowder shall be reported without delay to the nearest Police Station.

The Licensee shall observe the following precautions in carrying out blasting operations.

7. All blasting operations should as far as possible be conducted by a certified blaster.

8. During the preparation of charges and the charging of holes and while explosives are being handled, smoking should be strictly prohibited. All lights should be removed to a safe distance.

9. In charging or stemming holes, the use of any iron or steel tool, scraper or rod is prohibited.

10. Even with wooden or copper implements the charge should be pressed home gently in the borehole, and never rammed with any force that may result in dangerous friction.

11. No more than six holes at a time in a place exceeding 60 sq. feet and not more than four holes in smaller area, should be fired in the same round ; the number to be reduced in the case of deep narrow wells.

12. The number of shots which explode must be counted independently by at least two persons, one of whom should be the blaster. Unless both are certain that all the charges have exploded, the working place must not be re-entered until the place is free from noxious gases.

13. After blasting has taken place the blaster or person in charge of the working place, should be the first to re-enter the place and until he has pronounced that there was no misfire and that the place is sufficiently free from fumes, he should not permit any other person to enter except for the purpose of making it safe.

14. Before drilling is commenced, all loose rock must be removed from the working face and if any sockets or portions of holes which have not broken are found, they should be securely plugged with wooden plugs of which a supply should always be provided.

15. In the event of a misfire (or charge failing to explode properly) having occurred or being suspected, the blaster should be the first to re-enter the working place. He should search for the misfire

and, if necessary, may have the place cleaned up for the purpose but he should permit no other work.

16. Boaring out or deepening holes once charged or withdrawing a charge either before firing or after misfire, must not be attempted.

17. The person in charge of the working place should point out the position and direction of every new hole to be drilled and should be responsible that the drillers do not deviate therefrom. The greatest care should be taken to see that new hole is bored in such a direction that it can come in dangerous proximity to any old hole or socket in which explosives have previously been charged.

18. A fuse which has apparently missed or is hanging fire should not be approached for at least half an hour.

19. The rate of burning of fuse employed should be determined beforehand and requisite lengths of approved quality should be used.

Printed by the Superintendent at the Government Press, Bangalore.

THE PALACE OFFICE
15
12 SEP. 1936
MYSORE

NOTIFICATION.

Order No. P. 850—*Legis.* 11-36-1, *Bangalore, dated* 31*st July* 1936.

Ordered that the accompanying Regulation further to amend the Mysore Registration Regulation, 1903, which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936, be published as Regulation No. VII of 1936 in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION VII OF 1936.

(*Received the assent of His Highness the Maharaja on the fourteenth day of July 1936.*)

Regulation further to amend the Mysore Registration Regulation, 1903.

Whereas it is expedient further to amend the Mysore Registration Regulation, 1903, it is hereby enacted as follows :—

1. This Regulation may be called the Mysore Registration (Amendment) Regulation, 1936.

2. It shall come into force on the first day of September 1936.

3. The following shall be added as sub-sections (3) and (4) of Section 12, the two paragraphs in the section as it stands at present being numbered as Sub-Sections (1) and (2).

"(3) A Registrar may, by order in writing and subject to such restrictions as the Government may impose, suspend or fine any Sub-Registrar subordinate to him. Any Sub-Registrar aggrieved by an order of the Registrar under this section may, within 30 days of the date of the order, appeal to the Inspector-General of Registration whose orders in appeal shall be final.

"(4) Notwithstanding anything contained in this section, Government may call for and examine the records of the proceedings under sub-sections (2) and (3) of the Inspector-General of Registration or of any Registrar for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and if in any case it shall appear to the Government that any decision or order should be modified, annulled or reversed, Government may pass such orders as it deems fit."

MIRZA M. ISMAIL,
Dewan.

Price 0–0–3.

Regd. No. M.—1175

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 33.

BANGALORE, THURSDAY, AUGUST 13, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATIONS.

No. P. 1085—Pol. 199-35-4, dated Bangalore, the 6—10th August 1936.

In exercise of the power conferred by Sections 12 and 22 of the Mysore Arms Regulation, 1890 (VI of 1890), the Government of His Highness the Maharaja are pleased to direct that the following further amendments be made to the Mysore Arms Rules 1926, namely :—

1. In Sub-Rule 3 of Rule 9, for the words and figures commencing from "Rifles of ·303 or of ·450 bore and for pistols and revolvers of ·441, ·455 or any intermediate bore" the following words and figures shall be substituted :—

"Rifles of ·303 or of ·450 bore, for muskets of ·410 bore and for pistols and revolvers of ·441, ·455 or any intermediate bore."

2. For Clause (i) and (ii) of the proviso to Sub-Rule (1) of Rule 13, the following clauses shall be substituted namely :—

(i) No license shall be granted for the possession of rifles of ·303 or ·450 or muskets of ·410 bore or of pistols or of revolvers of ·441, ·455 or any intermediate bore or of ammunition for the same or for going armed with such rifles, muskets, pistols or revolvers unless such rifles, muskets, pistols or revolvers or such ammunition have been lawfully imported into Mysore.

(ii) No license shall be granted in respect of balled ammunition for rifles, muskets, pistols or revolvers of such bores unless the authority granting the license is satisfied that such rifles or musket is lawfully possessed by the owner thereof for sporting purposes or that such pistol or revolver has been lawfully imported into Mysore, as the case may be, and the amount of balled ammunition which such licensee may possess during the period of 12 months next ensuing shall be entered in the license.

4. In Schedule 1 to the said rules for clause (*d*) in each of the entries in the second column relating to items 1 to 4, 6 (*a*) and (1) and 13, the following clause shall be substituted, namely :—

(*d*) Rifles of ·303 or ·450 bore or of musket of ·410 bore or of revolvers and pistols of ·441, ·455 or any intermediate bore (and ammunition which can be fired from the same) not lawfully imported into Mysore.

By Order,

B. T. KESAVIENGAR,
Offg. *Chief Secretary to Government.*

Order No. P. 850—*Legis.* 11-36-1, *Bangalore, dated* 31*st July* 1936.

Ordered that the accompanying Regulation further to amend the Mysore Registration Regulation, 1903, which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936, be published as Regulation No. VII of 1936 in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION VII OF 1936.

(*Received the assent of His Highness the Maharaja on the fourteenth day of July 1936.*)

Regulation further to amend the Mysore Registration Regulation, 1903.

Whereas it is expedient further to amend the Mysore Registration Regulation, 1903, it is hereby enacted as follows :—

1. This Regulation may be called the Mysore Registration (Amendment) Regulation, 1936.

2. It shall come into force on the first day of September 1936.

3. The following shall be added as sub-sections (3) and (4) of Section 12, the two paragraphs in the section as it stands at present being numbered as Sub-Sections (1) and (2).

"(3) A Registrar may, by order in writing and subject to such restrictions as the Government may impose, suspend or fine any Sub-Registrar subordinate to him. Any Sub-Registrar aggrieved by an order of the Registrar under this section may, within 30 days of the date of the order, appeal to the Inspector-General of Registration whose orders in appeal shall be final.

"(4) Notwithstanding anything contained in this section, Government may call for and examine the records of the proceedings under sub-sections (2) and (3) of the

Inspector-General of Registration or of any Registrar for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and if in any case it shall appear to the Government that any decision or order should be modified, annulled or reversed, Government may pass such orders as it deems fit."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 851—Legis. 10-36-1, dated 31st July 1936.

Ordered that the accompanying Regulation to define and amend the law relating to partnership which received the assent of His Highness the Maharaja on the fourteenth day of July 1936 be published as Regulation No. VI of 1936 in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION VI OF 1936.

(Received the assent of High Highness the Maharaja on the fourteenth day of July 1936.)

Regulation to define and amend the Law relating to Partnership.

Whereas it is expedient to define and amend the law relating to partnership; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

t title, t and nence.

1. (1) This Regulation may be called the Mysore Partnership Regulation, 1936.

(2) It extends to the whole of Mysore.

(3) It shall come into force on 1st day of January 1937.

2. In this Regulation unless there is anything repugnant in the subject or context,—

(*a*) an "act of a firm" means any act or omission by all the partners, or by any partner or agent of the firm which gives rise to a right enforceable by or against the firm;

(*b*) "business" includes every trade, occupation and profession;

(*c*) "prescribed" means prescribed by rules made under this Regulation;

(*d*) "third party" used in relation to a firm or to a partner therein means any person who is not a partner in the firm; and

(*e*) expression used but not defined in this Regulation and defined in the Indian Contract Act, 1872, as in force in Mysore, shall have the meanings assigned to them in that Act.

3. The unrepealed provisions of the Indian Contract Act, 1872, as in force in Mysore, save in so far as they are inconsistent with the express provisions of this Regulation, shall continue to apply to firms.

CHAPTER II.

THE NATURE OF PARTNERSHIP.

4. "Partnership" is the relation between persons who have agreed to share the profits of a business carried on by all or any of them acting for all.

Persons who have entered into partnership with one another are called individually "partners" and collectively "a firm," and the name under which their business is carried on is called the "firm name."

5. The relation of partnership arises from contract and not from status;

and, in particular, the members of a Hindu undivided family carrying on a family business as such, are not partners in such business.

6. In determining whether a group of persons is or is not a firm, or whether a person is or is not a partner in

a firm, regard shall be had to the real relation between the parties, as shown by all relevant facts taken together.

Explanation 1.—The sharing of profits or of gross returns arising from property by persons holding a joint or common interest in that property does not of itself make such persons partners.

Explanation 2.—The receipt by a person of a share of the profits of a business, or of a payment contingent upon the earning of profits or varying with the profits earned by a business, does not of itself make him a partner with the persons carrying on the business,

and, in particular, the receipt of such share or payment—

(*a*) by a lender of money to persons engaged or about to engage in any business.

(*b*) by a servant or agent as remuneration,

(*c*) by the widow or child of a deceased partner, as annuity, or

(*d*) by a previous owner or part-owner of the business, as consideration for the sale of the goodwill or share thereof,

does not of itself make the receiver a partner with the persons carrying on the business.

7. Where no provision is made by contract between the partners for the duration of their partnership, or for the determination of their partnership, the partnership is "partnership at will".

8. A person may become a partner with another person in particular adventures or undertakings.

CHAPTER III.

RELATIONS OF PARTNERS TO ONE ANOTHER.

9. Partners are bound to carry on the business of the firm to the greatest common advantage, to be just and faithful to each other, and to render true accounts and full information of all things affecting the firm to any partner or his legal representative.

10. Every partner shall indemnify the firm for any loss caused to it by his fraud in the conduct of the business of the firm.

11. (1) Subject to the provisions of this Regulation, the mutual rights and duties of the partners of a firm may be determined by contract between the partners, and such contract may be express or may be implied by a course of dealing.

Such contract may be varied by consent of all the partners and such consent may be express or may be implied by a course of dealing.

(2) Notwithstanding anything contained in Section 27 of the Indian Contract Act, 1872, as in force in Mysore such contracts may provide that a partner shall not carry on any business other than that of the firm while he is a partner.

12. Subject to contract between the partners—

(a) every partner has a right to take part in the conduct of the business;

(b) every partner is bound to attend diligently to his duties in the conduct of the business:

(c) any difference arising as to ordinary matters connected with the business may be decided by a majority of the partners, and every partner shall have the right to express his opinion before the matter is decided, but no change may be made in the nature of the business without the consent of all the partners; and

(d) every partner has a right to have access to and to inspect and copy any of the books of the firm.

13. Subject to contract between the partners—

(a) a partner is not entitled to receive remuneration for taking part in the conduct of the business;

(b) the partners are entitled to share equally in the profits earned, and shall contribute equally to the losses sustained by the firm;

(c) where a partner is entitled to interest on the capital subscribed by him such interest shall be payable only out of profits;

(d) a partner making, for the purposes of the business, any payment or advance beyond the amount of capital he has ageed to subscribe, is entitled to interest thereon at the rate of six per cent per annum;

(*e*) the firm shall indemnify a partner in respect of payments made and liabilities incurred by him—

(i) in the ordinary and proper conduct of the business, and

(ii) in doing such act, in an emergency, for the purpose of protecting the firm from loss, as would be done by a person of ordinary prudence, in his own case, under similar circumstances; and

(*f*) a partner shall indemnify the firm for any loss caused to it by his wilful neglect in the conduct of the business of the firm.

14. Subject to contract between the partners, the property of the firm includes all property and rights and interests in property originally brought into the stock of the firm, or acquired, by purchase or otherwise, by or for the firm, or for the purposes and in the course of the business of the firm, and includes also the goodwill of the business.

Unless the contrary intention appears, property and rights and interests in property acquired with money belonging to the firm are deemed to have been acquired for the firm.

15. Subject to contract between the partners, the property of the firm shall be held and used by the partners exclusively for the purposes of the business.

16. Subject to contract between the partners,—

(*a*) if a partner derives any profit for himself from any transaction of the firm, or from the use of the property or business connection of the firm or the firm name, he shall account for that profit and pay it to the firm;

(*b*) if a partner carries on any business of the same nature as and competing with that of the firm, he shall account for and pay to the firm all profits made by him in that business.

17. Subject to contract between the partners,—

(*a*) where a change occurs in the constitution o firm, the mutual rights and duties of partners in the reconstituted firm remain same as they were immediately before t change, as far as may be;

(*b*) where a firm constituted for a fixed term continues to carry on business after the expiry of that term, the mutual rights and duties of the partners remain the same as they were before the expiry so far as they may be consistent with the incidents of partnership at will; and

(*c*) where a firm constituted to carry out one or more adventures or undertakings carries out other adventures or undertakings, the mutual rights and duties of the partners in respect of the other adventures or undertakings are the same as those in respect of the original adventures or undertakings.

CHAPTER IV.

RELATIONS OF PARTNERS TO THIRD PARTIES.

18. Subject to the provisions of this Regulation, a partner is the agent of the firm for the purpose of the business of the firm.

19. (1) Subject to the provisions of Section 22, the act of a partner which is done to carry on, in the usual way, business of the kind carried on by the firm, binds the firm.

The authority of a partner to bind the firm conferred by this section is called his "implied authority".

(2) In the absence of any usage or custom of trade to the contrary, the implied authority of a partner does not empower him to—

(*a*) submit a dispute relating to the business of the firm to arbitration,

(*b*) open a banking account on behalf of the firm in his own name,

(*c*) compromise or relinquish any claim or portion of a claim by the firm.

(*d*) withdraw a suit or proceeding filed on behalf of the firm,

(*e*) admit any liability in a suit or proceeding against the firm,

(*f*) acquire immoveable property on behalf of the firm,

(g) transfer immoveable property belonging to the firm or,

(h) enter into partnership on behalf of the firm.

20. The partners in a firm may, by contract between the partners, extend or restrict the implied authority of any partner.

Notwithstanding any such restriction, any act done by a partner on behalf of the firm which falls within his implied authority binds the firm, unless the person with whom he is dealing knows of the restriction or does not know or believe that partner to be a partner.

21. A partner has authority, in an emergency, to do all such acts for the purpose of protecting the firm from loss as would be done by a person of ordinary prudence, in his own case, acting under similar circumstances, and such acts bind the firm.

22. In order to bind a firm, an act or instrument done or executed by a partner or other person on behalf of the firm shall be done or executed in the firm name, or in any other manner expressing or implying an intention to bind the firm.

23. An admission or representation made by a partner concerning the affairs of the firm is evidence against the firm, if it is made in the ordinary course of business.

24. Notice to a partner who habitually acts in the business of the firm of any matter relating to the affairs of the firm operates as notice to the firm, except in the case of a fraud on the firm committed by or with the consent of that partner.

25. Every partner is liable, jointly with all the other partners and also severally, for all acts of the firm done while he is a partner.

26. Where, by the wrongful act or omission of a partner acting in the ordinary course of the business of a firm, or with the authority of his partners, loss or injury is caused to any third party, or any penalty is incurred, the firm is liable therefor to the same extent as the partner.

27. Where—

(a) a partner acting within his apparent authority receives money or property from a third party and misapplies it, or

(b) a firm in the course of its business receives money or property from a third party, and the

money or property is misapplied by any of the partners while it is in the custody of the firm, the firm is liable to make good the loss.

28. (1) Any one who by words spoken or written or by conduct represents himself, or knowingly permits himself to be represented, to be a partner in a firm, is liable as a partner in that firm to any one who has on the faith of any such representation given credit to the firm, whether the person representing himself or represented to be a partner does or does not know that the representation has reached the person so giving credit.

(2) Where after a partner's death the business is continued in the old firm name, the continued use of that name or of the deceased partner's name as a part thereof shall not of itself make his legal representative or his estate liable for any act of the firm done after his death.

29. (1) A transfer by a partner of his interest in the firm, either absolute or by mortgage, or by the creation by him of a charge on such interest, does not entitle the transferee, during the continuance of the firm, to interfere in the conduct of the business, or to require accounts, or to inspect the books of the firm, but entitles the transferee only to receive the share of profits of the transferring partner, and the transferee shall accept the account of profits agreed to by the partners.

(2) If the firm is dissolved or if the transferring partner ceases to be a partner, the transferee is entitled as against the remaining partners to receive the share of the assets of the firm to which the transferring partner is entitled, and, for the purpose of ascertaining that share, to an account as from the date of the dissolution.

30. (1) A person who is a minor according to the law to which he is subject may not be a partner in a firm, but, with the consent of all the partners for the time being, he may be admitted to the benefits of partnership.

(2) Such minor has a right to such share of the property and of the profits of the firm as may be agreed upon, and he may have access to and inspect and copy any of the accounts of the firm.

(3) Such minor's share is liable for the acts of the firm, but the minor is not personally liable for any such act.

(4) Such minor may not sue the partners for an account or payment of his share of the property or profits of the firm, save when severing his connection with the firm, and in such case the amount of his share shall be determined by a valuation made as far as possible in accordance with the rules contained in Section 48:

Provided that all the partners acting together or any partner entitled to dissolve the firm upon notice to other partners may elect in such suit to dissolve the firm, and thereupon the Court shall proceed with the suit as one for dissolution and for settling accounts between the partners, and the amount of the share of the minor shall be determined along with the shares of the partners.

(5). At any time within six months of his attaining majority, or of his obtaining knowledge that he had been admitted to the benefits of partnership, whichever date is later, such person may give public notice that he has elected to become or that he has elected not to become a partner in the firm, and such notice shall determine his position as regards the firm:

Provided that, if he fails to give such notice, he shall become a partner in the firm on the expiry of the said six months.

(6) Where any person has been admitted as a minor to the benefits of partnership in a firm, the burden of proving the fact that such person had no knowledge of such admission until a particular date after the expiry of six months of his attaining majority shall lie on the persons asserting that fact.

(7) Where such person becomes a partner,—

(*a*) his rights and liabilities as a minor continue up to the date on which he becomes a partner, but he also becomes personally liable to third parties for all acts of the firm done since he was admitted to the benefits of partnership, and

(*b*) his share in the property and profits of the firm shall be the share to which he was entitled as a minor.

(8) Where such person elects not to become a partner,—

(*a*) his rights and liabilities shall continue to be those of a minor under this section up to the date on which he gives public notice,

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(*b*) his share shall not be liable for any acts of the firm done after the date of the notice, and

(*c*) he shall be entitled to sue the partners for his share of the property and profits in accordance with Sub-section (4).

(9) Nothing in Sub-sections (7) and (8) shall affect the provisions of Section 28.

CHAPTER V.

IN-COMING AND OUT-GOING PARTNERS.

31. (1) Subject to contract between the partners and to the provisions of Section 30, no person shall be introduced as a partner into a firm without the consent of all the existing partners. Intro of a

(2) Subject to the provisions of Section 30, a person who is introduced as a partner into a firm does not thereby become liable for any act of the firm done before he became a partner.

32. (1) A partner may retire— Reti of a

(*a*) with the consent of all the other partners,

(*b*) in accordance with an express agreement by the partners, or

(*c*) where the partnership is at will, by giving notice in writing to all the other partners of his intention to retire.

(2) A retiring partner may be discharged from any liability to any third party for acts of the firm done before his retirement by an agreement made by him with such third party and the partners of the reconstituted firm, and such agreement may be implied by a course of dealing between such third party and the reconstituted firm after he had knowledge of the retirement.

(3) Notwithstanding the retirement of a partner from a firm, he and the partners continue to be liable as partners to third parties for any act done by any of them which would have been an act of the firm if done before the retirement, until public notice is given of the retirement:

Provided that a retired partner is not liable to any third party who deals with the firm without knowing that he was a partner.

(4) Notices under Sub-section (3) may be given by the retired partner or by any partner of the reconstituted firm.

33. (1) A partner may not be expelled from a firm by any majority of the partners, save in the exercise in good faith of powers conferred by contract between the partners.

(2) The provisions of Sub-sections (2), (3) and (4) of Section 32 shall apply to an expelled partner as if he were a retired partner.

34. (1) Where a partner in a firm is a adjudicated an insolvent he ceases to be a partner on the date on which the order of adjudication is made, whether or not the firm is thereby dissolved.

(2) Where under a contract between the partners the firm is not dissolved by the adjudication of a partner as an insolvent, the estate of a partner so adjudicated is not liable for any act of the firm and the firm is not liable for any act of the insolvent, done after the date on which the order of adjudication is made.

35. Where under a contract between the partners the firm is not dissolved by the death of a partner, the estate of a deceased partner is not liable for any act of the firm done after his death.

36. (1) An out-going partner may carry on a business competing with that of the firm and he may advertise such business, but, subject to contract to the contrary, he may not—

(*a*) use the firm name,
(*b*) represent himself as carrying on the business of the firm, or
(*c*) solicit the custom of persons who were dealing with the firm before he ceased to be a partner.

(2) A partner may make an agreement with his partners that on ceasing to be a partner he will not carry on any business similar to that of the firm within a specified period or within specified local limits; and, notwithstanding anything contained in Section 27 of the Indian Contract Act, 1872, as in force in Mysore, such agreement shall be valid if the restrictions imposed are reasonable.

37. Where any member of a firm has died or otherwise ceased to be a partner, and the surviving or continuing partners carry on the business of the firm with the property of the firm without any final settlement of accounts as between them and the out-going partner or his estate, then, in the absence of a contract to the contrary, the out-going partner or his estate is entitled at the option of himself or his representatives to such share of the profits made since he ceased to be a partner as may be attributable to the use of his share of the property of the firm or to interest at the rate of six per cent per annum on the amount of his share in the property of the firm:

Provided that where by contract between the partners an option is given to surviving or continuing partners to purchase the interest of a deceased or out-going partner, and that option is duly exercised, the estate of the deceased partner, or the out-going partner or his estate, as the case may be, is not entitled to any further or other share of profits; but if any partner assuming to act in exercise of the option does not in all material respects comply with the terms thereof, he is liable to account under the foregoing provisions of this section.

38. A continuing guarantee given to a firm, or to a third party in respect of the transactions of a firm, is, in the absence of agreement to the contrary, revoked as to future transactions from the date of any change in the constitution of the firm.

CHAPTER VI.

DISSOLUTION OF A FIRM.

39. The dissolution of partnership between all the partners of a firm is called the "dissolution of the firm."

40. A firm may be dissolved with the consent of all the partners or in accordance with a contract between the partners.

41. A firm is dissolved—

(*a*) by the adjudication of all the partners or of all the partners but one as insolvent, or

(*b*) by the happening of any event which makes it unlawful for the business of the firm to be carried on or for the partners to carry it on in partnership:

Provided that, where more than one separate adventure or undertaking is carried on by the firm, the illegality of one or more shall not of itself cause the dissolution of the firm in respect of its lawful adventures and undertakings.

42. Subject to contract between the partners a firm is dissolved—

(*a*) if constituted for a fixed term, by the expiry of that term;

(*b*) if constituted to carry out one or more adventures or undertakings, by the completion thereof;

(*c*) by the death of a partner; and

(*d*) by the adjudication of a partner as an insolvent.

43. (1) Where the partnership is at will, the firm may be dissolved by any partner giving notice in writing to all the other partners of his intention to dissolve the firm.

(2) The firm is dissolved as from the date mentioned in the notice as the date of dissolution or, if no date is so mentioned, as from the date of the communication of the notice.

44. At the suit of a partner, the Court may dissolve a firm on any of the following grounds, namely:—

(*a*) that a partner has become of unsound mind, in which case the suit may be brought as well by the next friend of the partner who has become of unsound mind as by any other partner;

(*b*) that a partner, other than the partner suing, has become in any way permanently incapable of performing his duties as partner;

(*c*) that a partner, other than the partner suing, is guilty of conduct which is likely to affect prejudicially the carrying on of the business, regard being had to the nature of the business;

(*d*) that a partner, other than the partner suing, wilfully or persistently commits breach of agreements relating to the management of the affairs of the firm or the conduct of its business, or otherwise so conducts himself in matters relating to the business that it is not reasonably practicable for the other partners to carry on the business in partnership with him;

(*e*) that a partner, other the partner suing, has in any way transferred the whole of his interest in the firm to a third party, or has allowed his share to be charged under the provisions of Rule 49 of Order XXI of the First Schedule to the Code of Civil Procedure, 1911, or has allowed it to be sold in the recovery of arrears of land revenue or of any dues recoverable as arrears of land revenue due by the partner;

(*f*) that the business of the firm cannot be carried on save at a loss; or

(*g*) on any other ground which renders it just and equitable that the firm should be dissolved.

45. (1) Notwithstanding the dissolution of a firm, the partners continue to be liable as such to third parties for any act done by any of them which would have been an act of the firm if done before the dissolution, until public notice is given of the dissolution:

Provided that the estate of a partner who dies, or who is adjudicated an insolvent, or of a partner who, not having been known to the person dealing with the firm to be a partner, retires from the firm, is not liable under this section for acts done after the date on which he ceases to be a partner.

(2) Notices under Sub-section (1) may be given by any partner.

46. On the dissolution of a firm every partner or his representative is entitled. as against all the other partners or their representatives, to have the property of the firm applied in payment of the debts and liabilities of the firm, and to have the surplus distributed among the partners or their representatives according to their rights.

47. After the dissolution of a firm the authority of each partner to bind the firm, and the other mutual rights and obligations of the partners, continue notwithstanding the dissolution, so far as may be necessary to wind up the affairs of the firm and to complete transactions begun but unfinished at the time of the dissolution, but not otherwise:

Provided that the firm is in no case bound by the acts of a partner who has been adjudicated insolvent; but this proviso does not affect the liability of any person who has after the adjudication represented himself or knowingly permitted himself to be represented as a partner of the insolvent.

48. In settling the accounts of a firm after dissolution, the following rules shall, subject to agreement by the partners, be observed :—

(*a*) Losses, including deficiencies of capital, shall be paid first out of profits, next out of capital, and, lastly, if necessary, by the partners individually in the proportions in which they were entitled to share profits.

(*b*) The assets of the firm, including any sums contributed by the partners to make up deficiencies of capital, shall be applied in the following manner and order :—

(i) in paying the debts of the firm to third parties;

(ii) in paying to each partner rateably what is due to him from the firm for advances as distinguished from capital;

(iii) in paying to each partner rateably what is due to him on account of capital; and

(iv) the residue, if any, shall be divided among the partners in the proportions in which they were entitled to share profits.

49. Where there are joint debts due from the firm, and also separate debts due from any partner, the property of the firm shall be applied in the first instance in payment of the debts of the firm, and, if there is any surplus, then the share of each partner shall be applied in payment of his separate debts or paid to him. The separate property of any partner shall be applied first in the payment of his separate debts, and the surplus (if any) in the payment of the debts of the firm.

50. Subject to contract between the partners, the provisions of Clause (*a*) of Section 16 shall apply to transactions by any surviving partner or by the representatives of a deceased partner, undertaken after the firm is dissolved on account of the death of a partner and before its affairs have been completely wound up:

Provided that where any partner or his representative has bought the goodwill of the firm, nothing in this section shall affect his right to use the firm name.

51. Where a partner has paid a premium on entering into partnership for a fixed term, and the firm is dissolved before the expiration of that term otherwise than by the

death of a partner, he shall be entitled to repayment of the premium or of such part thereof as may be reasonable, regard being had to the terms upon which he became a partner and to the length of time during which he was a partner, unless—

(*a*) the dissolution is mainly due to his own misconduct, or

(*b*) the dissolution is in pursuance of an agreement containing no provision for the return of the premium or any part of it.

52. Where a contract creating partnership is rescinded on the ground of the fraud or misrepresentation of any of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled—

(*a*) to a lien on, or a right of retention of, the surplus, or the assets of the firm remaining after the debts of the firm have been paid, for any sum paid by him for the purchase of a share in the firm and for any capital contributed by him;

(*b*) to rank as a creditor of the firm in respect of any payment made by him towards the debts of the firm; and

(*c*) to be indemnified by the partner or partners guilty of the fraud or misrepresentation against all the debts to the firm.

53. After a firm is dissolved, every partner or his representative may, in the absence of a contract between the partners to the contrary, restrain any other partner or his representative from carrying on a similar business in the firm name or from using any of the property of the firm for his own benefit, until the affairs of the firm have been completely wound up:

Provided that where any partner or his representative has bought the goodwill of the firm, nothing in this section shall affect his right to use the firm name.

54. Partners may upon or in anticipation of the dissolution of the firm, make an agreement that some or all of them will not carry on a business similar to that of the firm within a specified period or within specified local limits; and notwithstanding anything contained in Section 27 of the Indian Contract Act, 1872, as in force in Mysore,

such agreement shall be valid if the restrictions imposed are reasonable.

55. (1) In settling the accounts of a firm after dissolution, the goodwill shall, subject to contract between the partners, be included in the assets, and it may be sold either separately or along with other property of the firm.

(2) Where the goodwill of a firm is sold after dissolution, a partner may carry on a business competing with that of the buyer and he may advertise such business, but, subject to agreement between him and the buyer, he may not—

(*a*) use the firm name,

(*b*) represent himself as carrying on the business of the firm, or

(*c*) solicit the custom of persons who were dealing with the firm before its dissolution.

(3) Any partner may, upon the sale of the goodwill of a firm, make an agreement with the buyer that such partner will not carry on any business similar to that of the firm within a specified period or within specified local limits, and, notwithstanding anything contained in Section 27 of the Indian Contract Act, 1872, as in force in Mysore, such agreement shall be valid if the restrictions imposed are reasonable.

CHAPTER VII.

REGISTRATION OF FIRMS.

56. The Government may, by notification in the official Gazette, extend the provisions of this Chapter to the whole or any part of Mysore specified in the notification or cancel any such notification and the said provisions shall not apply unless so extended.

57. (1) The Government may appoint Registrars of Firms for the purposes of this Regulation, and may define the areas within which they shall exercise their powers and perform their duties.

(2) Every Registrar shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code as in force in Mysore.

58. (1) The registration of a firm may be effected at any time by sending by post or delivering to the Registrar of the area in which any place of business of the firm is

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situated or proposed to be situated, a statement in the prescribed form and accompanied by the prescribed fee, stating—

(*a*) the firm name.
(*b*) the place or principal place of business of the firm,
(*c*) the names of any other places where the firm carries on business,
(*d*) the date when each partner joined the firm,
(*e*) the names in full and permanent addresses of the partners, and
(*f*) the duration of the firm.

The statement shall be signed by all the partners, or by their agents specially authorised in this behalf.

(2) Each person signing the statement shall also verify it in the manner prescribed.

(3) A firm name shall not contain any of the following words, namely :—

"Crown", "Emperor", "Empress", "Empire", "Imperial", "King", "Queen", "Royal", "Maharaja," or words expressing or implying the sanction, approval or patronage of His Highness the Maharaja or the Government, except when the Government as signifies its consent to the use of such words as part of the firm name by order in writing under the hand of one of the Secretaries of the Government.

59. When the Registrar is satisfied that the provisions of Section 58 have been duly complied with, he shall record an entry of the statement in a register called the Register of Firms, and shall file the statement.

60. (1) When an alteration is made in the firm name or in the location of the principal place of business of a registered firm, a statement may be sent to the Registrar accompanied by the prescribed fee, specifying the alteration, and signed and verified in the manner required under Section 58.

(2) When the Registrar is satisfied that the provisions of Sub-section (1) have been duly complied with, he shall amend the entry relating to the firm in the Register of Firms in accordance with the statement and shall file it along with the statement relating to the firm filed under Section 59.

Noting of closing and opening of branches.

61. When a registered firm discontinues business at any place or begins to carry on business at any place, such place not being its principal place of business, any partner or agent of the firm may send intimation thereof to the Registrar, who shall make a note of such intimation in the entry relating to the firm in the Register of Firms, and shall file the intimation along with the statement relating to the firm filed under Section 59.

Noting of changes in names and addresses of partners.

62. When any partner in a registered firm alters his name or permanent address, an intimation of the alteration may be sent by any partner or agent of the firm to the Registrar, who shall deal with it in the manner provided in Section 61.

Recording of changes in and dissolution of a firm.

63. (1) When a change occurs in the constitution of a registered firm, any in-coming, continuing or out-going partner, and when a registered firm is dissolved any person who was a partner immediately before the dissolution, or the agent of any such partner or person specially authorised in this behalf, may give notice to the Registrar of such change or dissolution, specifying the date thereof; and the Registrar shall make a record of the notice in the entry relating to the firm in the Register of Firms, and shall file the notice along with the statement relating to the firm filed under Section 59.

Recording of withdrawal of a minor.

(2) When a minor who has been admitted to the benefits of partnership in a firm attains majority and elects to become or not to become a partner, and the firm is then a registered firm, he or his agent specially authorised in this behalf, may give notice to the Registrar that he has or has not become a partner, and the Registrar shall deal with the notice in the manner provided in Sub-section (1).

Rectification of mistakes.

64. (1) The Registrar shall have power at all times to rectify any mistake in order to bring the entry in the Register of Firms relating to any firm into conformity with the documents relating to that firm filed under this Chapter.

(2) On application made by all the parties who have signed any document relating to a firm filed under this Chapter, the Registrar may rectify any mistake in such document or in the record or note thereof made in the Register of Firms.

Admendment of Register by order of Court.

65. A Court deciding any matter relating to a registered firm may direct that the Registrar shall make any amendment in the entry in the Register of Firms

relating to such firm which is consequential upon its decision; and the Registrar shall amend the entry accordingly.

66. (1) The Register of Firms shall be open to inspection by any person on payment of such fee as may be prescribed.

(2) All statements, notices and intimations filed under this Chapter shall be open to inspection, subject to such conditions and on payment of such fee as may be prescribed.

67. The Registrar shall on application furnish to any person, on payment of such fee as may be prescribed, a copy, certified under his hand, of any entry or portion thereof in the Register of Firms.

68. (1) Any statement, intimation or notice recorded or noted in the Register of Firms shall, as against any person by whom or on whose behalf such statement, intimation or notice was signed, be conclusive proof of any fact therein stated.

(2) A certified copy of an entry relating to a firm in the Register of Firms may be produced in proof of the fact of the registration of such firm, and of the contents of any statement, intimation or notice recorded or noted therein.

69. (1) No suit to enforce a right arising from a contract or conferred by this Regulation shall be instituted in any Court by or on behalf of any person suing as a partner in a firm against the firm or any person alleged to be or to have been a partner in the firm unless the firm is registered and the person suing is or has been shown in the Register of Firms as a partner in the firm.

(2) No suit to enforce a right arising from a contract shall be instituted in any Court by or on behalf of a firm against any third party unless the firm is registered and the persons suing are or have been shown in the Register of Firms as partners in the firm.

(3) The provisions of Sub-sections (1) and (2) shall apply also to a claim of set-off or other proceeding to enforce a right arising from a contract, but shall not affect—

(*a*) the enforcement of any right to sue for the dissolution of a firm or for accounts of a dissolved firm, or any right or power to realise the property of a dissolved firm, or

(*b*) the powers of a receiver or Court under the Mysore Insolvency Regulation, 1925, to realise the property of an insolvent partner.

(4) This section shall not apply—

(*a*) to firms or to partners in firms which have no place of business in Mysore, or whose places of business in Mysore are situated in areas to which, by notification under Section 56, this Chapter does not apply, or

(*b*) to any suit or claim of set-off not exceeding one hundred rupees in value which is of a kind specified in the first Schedule to the Mysore Small Cause Courts Regulation, 1911, or to any proceeding in execution or other proceeding incidental to or arising from any such suit or claim.

70. Any person who signs any statement, amending statement, notice or intimation under this Chapter containing any particular which he knows to be false or does not believe to be true, or containing particulars which he knows to be incomplete or does not believe to be complete, shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to Rs. 500, or with both.

71. (1) The Government may make rules prescribing the fees which shall accompany documents sent to the Registrar of Firms, or which shall be payable for the inspection of documents in the custody of the Registrar of Firms, or for copies from the Register of Firms:

Provided that such fees shall not exceed the maximum fees specified in Schedule I.

(2) The Government may make rules—

(*a*) prescribing the form of statement submitted under Section 58, and of the verification thereof;

(*b*) requiring statements, intimations and notices under Sections 60, 61, 62 and 63 to be in prescribed form, and prescribing the form thereof;

(*c*) prescribing the form of the Register of Firms, and the mode in which entries relating to firms are to be made therein, and the mode in which such entries are to be amended or notes made therein;

(*d*) regulating the procedure of the Registrar when disputes arise;

(*e*) regulating the filing of documents received by the Registrar;

(*f*) prescribing conditions for the inspection of original documents;

(*g*) regulating the grant of copies;

(*h*) regulating the elimination of registers and documents;

(*i*) providing for the maintenance and form of an Index to the Register of Firms; and

(*j*) generally, to carry out the purposes of this Chapter.

(3) All rules made under this section shall be subject to the condition of previous publication.

CHAPTER VIII.

SUPPLEMENTAL.

72. A public notice under this Regulation is given— Mode of giving public notice.

(*a*) where it relates to the retirement or expulsion of a partner from a registered firm, or to the dissolution of a registered firm, or to the election to become or not to become a partner in a registered firm by a person attaining majority who was admitted as a minor to the benefits of partnership, by notice to the Registrar of Firms under Section 63, and by publication in the official Gazette and in at least one vernacular newspaper circulating in the district where the firm to which it relates has its place or principal place of business, and

(*b*) in any other case, by publication in the official Gazette and in at least one vernacular newspaper circulating in the district where the firm to which it relates has its place or principal place of business.

73. The enactments mentioned in Schedule II are hereby repeated to the extent specified in the fourth column thereof. Repeals.

Savings.

74. Nothing in this Regulation or any repeal effected thereby shall affect or be deemed to affect—

(*a*) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Regulation, or

(*b*) any legal proceeding or remedy in respect of any such right, title, interest, obligation or liabilities or anything done or suffered before the commencement of this Regulation, or

(*c*) anything done or suffered before the commencement of this Regulation, or

(*d*) any enactment relating to partnership not expressly repealed by this Regulation, or

(*e*) any rule of insolvency relating to partnership, or

(*f*) any rule of law not inconsistent with this Regulation.

SCHEDULE I.

MAXIMUM FEES.

[See Sub-section (1) of Section 71.]

Document or act in respect of which the fee is payable	Maximum fee
Statement under Section 58	Three rupees.
Statement under Section 60	One rupee.
Intimation under Section 61	One rupee.
Intimation under Section 62	One rupee.
Notice under Section 63	One rupee.
Application under Section 64	One rupee.
Inspection of the Register of Firms under Sub-section (1) of Section 66.	Eight annas for inspecting one volume of the Register.
Inspection of documents relating to a firm under Sub-section (2) of Section 66.	Eight annas for the inspection of all documents relating to one firm.
Copies from the Register of Firms	Four annas for each hundred words or part thereof.

SCHEDULE II.

ENACTMENTS REPEALED.

(*See* Section 73.)

Year	No.	Short title	Extent of repeal
1	2	3	4
1872	IX	The Indian Contract Act, 1872.	Exceptions 2 and 3 to Section 27. The whole of Chapter XI.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 852—Legis. 12-36-1, dated Bangalore, 31st July 1936.

Order that the accompanying Regulation for the suppression of brothels and immoral traffic in the Mysore State which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936 be published as Regulation No. VIII of 1936, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION VIII OF 1936.

(*Received the Assent of His Highness the Maharaja on the Fourteenth day of July 1936.*)

Regulation for the Suppression of Brothels and Immoral Traffic in the Mysore State.

Whereas it is expedient to make provision for the Suppression of Brothels and Immoral Traffic in the Mysore State; It is hereby enacted as follows :—

1. (*a*) This Regulation may be called the Suppression of Immoral Traffic Regulation of 1936. Short title.

(b) The Government may from time to time, by notification in the Official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context :—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution.

'Prostitution' means promiscuous sexual intercourse for hire.

'Magistrate' means a Stipendiary Magistrate of the First Class.

'Prescribed' means prescribed by rules made under this Regulation.

Solicitation.

3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency

shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both.

Procuration.

4. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both.

Importing woman or girl for Prostitution.

5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution, shall be punished with imprisonment which may extend

to two years or with fine which may extend to five hundred rupees or with both.

Removal of minor girl from brothel.

6. Where a Magistrate has reason to believe from a report made to him by a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living, or is carrying on or is being made to carry on the business of prostitution in a brothel, disorderly house or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation, and to remove therefrom such girl; and thereupon such Police Office shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

Commitment to suitable custody.

7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing, shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl.

Intermediate custody of the girl removed from brothel, etc.

8. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the Police Officer carrying out the removal shall, until such girl can be brought before a magistrate, cause her to be detained in a rescue home provided, aided or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.

Guardianship while in custody.

9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under section 7 shall, while the order is in force, have the like control over the girl as if he were her

parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person.

Detention for Prostitution in brothel.

10. Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Punishment for keeping a brothel or allowing premises to be used as a brothel.

11. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extent to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,

(*a*) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or.

(*b*) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (*a*) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is willfully a party to the use of such premises, or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (*a*) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

Arrest without Warrant.

12. Any Police Officer (not below the rank of an Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3, 4, 5, and 10 if the name and address of such person be unknown to such Police Officer and cannot be

ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

Power to enter premises.

13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may, for the purposes of ascertaining whether an offence punishable under sections 3, 4, 5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 3, 4, 5 or 10 has been committed.

Offences triable by certain Magistrates only.

14. No court inferior to that of a Stipendiary Magistrate of the first class shall try offences under sections 3, 4, 5, 10 and 11.

Power to make rules.

15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular

(*a*) for the care treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under section 7;

(*b*) for the detention of girls under the provisions of section 8."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 853—Legis. 13-36-1, dated Bangalore, the 31st July 1936.

Ordered that the accompanying Regulation to amend the Mysore Road Traffic and Taxes Regulation, 1935, which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936 be published as Regulation No. IX of 1936, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION IX OF 1936.

(Received the assent of His Highness the Maharaja on the fourteenth day of July 1936.)

A Regulation to amend the Mysore Road Traffic and Taxes Regulation, 1935.

Whereas it is expedient to amend the Mysore Road Traffic and Taxes Regulation No. VI of 1935; It is hereby enacted as follows:—

Short title.

1. This Regulation may be called the Mysore Road Traffic and Taxes (Amendment) Regulation, 1936.

Commencement.

2. It shall come into force on such date as the Government may by Notification in the Official Gazette direct.

Amendment of Section 9.

3. After Sub-Sections (2) and (3) of Section 9 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935 (hereinafter referred to as the said Regulation), the following sub-section numbered as (3. A.) shall be added, namely,

"(3. A.) Notwithstanding anything contained in Section 8 and sub-sections (2) and (3) of Section 9, the Government may, by notification in the Official Gazette from time to time, direct the levy of taxes, at rates not exceeding those specified in Schedule II E. on motor vehicles belonging to or in the possession and control of persons not ordinarily residing in Mysore, and used or kept for use in Mysore by such persons for periods shorter than the half-year or the quarter, as the case may be, but not exceeding 30 days at a time. The levy of taxes shall be subject to such conditions as may be specified by the Government in the said notification."

Amendment of Section 9.

4. In Sub-Section (4) of Section 9, the words "other than a vehicle tax" shall be omitted and for the word "quarter" in both places where it occurs, the word "period" shall be substituted.

Insertion of new Schedule.

5. After Schedule II. D. to the said Regulation the following Schedule numbered as Schedule II. E. shall be added, namely,

SCHEDULE II. E.

[See Sections 8 and 9—Sub-Section (3-A).]

Class of Vehicles	For periods not exceeding 7 days at a time	For periods exceeding 7 days but not exceeding 30 days at a time
Vehicles Taxes—	Rs. a. p.	Rs. a. p.
1. Motor Cycles	1 4 0	3 12 0
2. Motor cars constructed or adapted to carry in all not more than seven persons including the driver—		
(*a*) Weighing not more than 15 cwts. unladen.	2 8 0	7 8 0
(*b*) Weighing more than 15 cwts. unladen.	3 8 0	10 0 0
3. Motor cars constructed or adapted to carry eight persons or more including the driver.	10 0 0	30 0 0

ROAD TAX.

Class of Vehicles	For periods not exceeding 7 days at a time		For periods exceeding 7 days, but not exceeding 30 days at a time	
	Not let or plied for hire	Let or plied for hire	Not let or plied for hire	Let or plied for hire
I. Motor Lorries—	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
(*a*) Not exceeding 15 cwts. in weight unladen.	6 0 0	9 0 0	12 0 0	18 0 0
(*b*) Exceeding 15 cwts. but not exceeding 30 cwts. in weight unladen.	14 0 0	21 0 0	28 0 0	42 0 0
(*c*) Exceeding 30 cwts. but not exceeding 50 cwts. in weight unladen.	22 8 0	33 12 0	45 0 0	67 8 0
(*d*) Exceeding 50 cwts. in weight unladen.	50 0 0	75 0 0	100 0 0	150 0 0

SCHEDULE II. E.

[See Sections 8 and 9—Sub-Section (3-A).]

Class of Vehicles	For periods not exceeding 7 days at a time	For periods exceeding 7 days but not exceeding 30 days at a time
Vehicles Taxes—	Rs. a. p.	Rs. a. p.
1. Motor Cycles	1 4 0	3 12 0
2. Motor cars constructed or adapted to carry in all not more than seven persons including the driver—		
(*a*) Weighing not more than 15 cwts. unladen.	2 8 0	7 8 0
(*b*) Weighing more than 15 cwts. unladen.	3 8 0	10 0 0
3. Motor cars constructed or adapted to carry eight persons or more including the driver.	10 0 0	30 0 0

ROAD TAX.

Class of Vehicles	For periods not exceeding 7 days at a time		For periods exceeding 7 days, but not exceeding 30 days at a time	
	Not let or plied for hire	Let or plied for hire	Not let or plied for hire	Let or plied for hire
I. Motor Lorries—	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
(*a*) Not exceeding 15 cwts. in weight unladen.	6 0 0	9 0 0	12 0 0	18 0 0
(*b*) Exceeding 15 cwts. but not exceeding 30 cwts. in weight unladen.	14 0 0	21 0 0	28 0 0	42 0 0
(*c*) Exceeding 30 cwts. but not exceeding 50 cwts. in weight unladen.	22 8 0	33 12 0	45 0 0	67 8 0
(*d*) Exceeding 50 cwts. in weight unladen.	50 0 0	75 0 0	100 0 0	150 0 0

SERVICE TAX.

	For periods not exceeding 7 days at a time.	For periods exceeding 7 days but not exceeding 30 days at a time.
	Rs. a. p.	Rs. a. p.
Motor Cars and Motor Buses—		
1. For every person the vehicle is licensed to carry ...	1 8 0	3 0 0

MILEAGE CESS.

Motor Buses ... ... 9 pies per mile.

Provisos :—

(1) In all cases vehicles not fitted with pneumatic tyres on all wheels shall be liable to one and half time the rate of tax prescribed above for the respective class of the vehicle.

(2) The vehicles liable to the Vehicle Tax, the Road Tax, the Service Tax and the Mileage cess shall be subject to the privileges, conditions, exemptions and limitations specified in the Schedule relating to that tax, amongst Schedules II. A. to II. D.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 854—Legis. 9-36-1, dated Bangalore, the 31st July 1936.

Ordered that the accompanying Regulation further to amend the Mysore District Boards Regulation, 1926, which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936 be published as Regulation No. V of 1936, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No. P. 1252—Legis. 46-35-91, dated 18th August 1936.

In exercise of the powers conferred on them under Section 22 of the Mysore Road Traffic and Taxes Regulation, the Government of His Highness the Maharaja are pleased to notify the following amendment to item (i) of para 1 of Notification No. P. 7768—Legis. 46-35, dated 22nd May 1936 :—

(i) Omit the word "and" occurring after "At all frontier toll-gates".

(ii) After the words "under Section 20 of the said Regulation" add the following words :—

"and *ad-hoc* bridge toll-gates to be notified in this behalf by Government from time to time".

2. This amendment will come into force from the date of this Notification.

No. P. 1261—Legis. 46-35-92, dated 18th August 1936.

In accordance with Notification No. P. 1252—Legis. 46-35-91, dated 18th August 1936, the Government of His Highness the Maharaja are pleased to declare the toll-gate on the Bridge across Thunga Bhadra at Honnali as an *ad-hoc* Bridge toll-gate.

No. P. 1262—R. T. 8-36-2, dated Bangalore, the 18th August 1936.

The mutsaddis of the Royalpad toll-gate in Kolar District are appointed Licensing Officers under the Mysore Road Traffic and Taxes Regulation VI of 1935 for the purpose of collection of vehicle taxes on motor bicycles and cars only and for the grant of licenses therefor.

2. The above Licensing Officers are empowered to collect the composition fee in lieu of tolls in respect of the

vehicles specified in Para. 1 above under Section 20 of the said Regulation and the rules issued thereunder and to issue tokens therefor.

3. This will take effect on and from the 1st September 1936.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

12 SEP 12
MYSORE

NOTIFICATION.

Order No. P. 1402—Legis. 68-35, dated Bangalore, the 25th August 1936.

Ordered that the accompanying Regulation to repeal the Italian Loans and Credits Prohibition Regulation which received the assent of His Highness the Maharaja, on the eleventh day of August 1936, be published as Regulation X of 1936, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION X OF 1936.

(Received the assent of His Highness the Maharaja on the eleventh day of August 1936.)

A Regulation to repeal the Italian Loans and Credits Prohibition Regulation, 1936.

Whereas it is expedient to repeal the Italian Loans and Credits Prohibition Emergency Regulation, 1936;

Now, therefore, in exercise of the powers conferred by section 12 of the Mysore Legislative Council Regulation, 1923, it is hereby enacted as follows:—

1. (i) This Regulation may be called the Italian Loans and Credits Prohibition Emergency Regulation, Repealing Regulation, 1936.

(ii) It shall come into force at once.

2. The Italian Loans and Credits Prohibition Emergency Regulation, 1936, is hereby repealed.

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3

Regd. No. M.—1175

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 38.

BANGALORE, THURSDAY, SEPTEMBER 17, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATION.

No. P. 1817—R.T. 2-36-9, dated Bangalore, the 11—12th September 1936.

In virtue of the powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the present location of the Bethamangala Frontier Toll-gate near Venkatagirikote as notified in Notification No. P. 7618—Legis. 46-35-37, dated 16th May 1936, be shifted to Hulkur, about 2½ miles towards the interior.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,

General Department.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. Rl. 189—L. C. 3-33-1, dated Bangalore, the 16th September 1936.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to amend the Mysore Religious and Charitable Institutions Regulation, 1927, is published for general information.

By Order,
C. SUBRAHMANYA IYER,
Secretary,
Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Mysore Religious and Charitable Institutions Regulation, 1927.

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* We, the undersigned members of the Select Committee, to which the Bill to amend the Mysore Religious and Charitable Institutions Regulation, 1927, was referred to have considered the Bill and have now the honor to submit this our report.

We have considered the points raised during the discussions in the Representative Assembly and Legislative Council and we do not find any reason to change the wording in the Bill.

(Sd.) K. R. Srinivasa Iyengar.
" K. T. Bhashyam Aiyangar.
" M. Venkatesa Iyengar.
" S. P. Rajagopalachari
(*Chairman*).

* Messrs. K. V. Anantaraman and B. S. Puttaswamy were unable to be present at the meeting.

Regd. No. M.—1175

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The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 42.

BANGALORE, THURSDAY, OCTOBER 15, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATIONS.

No. D. 2608—C. S. 56-35-9, dated Bangalore, the 8—9th October 1936.

The Government of His Highness the Maharaja of Mysore are pleased to make the following rules under Section 66 (4) of the Mysore Co-operative Societies Regulation VII of 1918 as amended from time to time for the distraint, preservation and sale of standing crops on property mortgaged to co-operative societies:—

1. On receipt of an application from the Committee of a Bank under Section 66 of the Mysore Co-operative Societies Regulation for the recovery of any instalment or part thereof under a mortgage executed in favour of the Bank by distraint and sale of the produce of the mortgaged land including the standing crops thereon, the Registrar may, after satisfying himself that the instalment or any part of such instalment has remained unpaid for more than one month from the date on which it fell due and that the application has been made within twelve months from the date on which the instalment fell due, pass an order for the distraint of a sufficient part of the produce of the mortgaged land including the standing crops thereon.

2. On passing such an order, the Registrar shall send a requisition to the Deputy Commissioner of the

District in which such land is situate to effect the distraint together with a copy of his order.

3. On receipt of such a requisition from the Registrar, it shall be lawful for the Deputy Commissioner—

(*a*) to require that the crop growing on the mortgaged land shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf and such notice has been returned endorsed with an acknowledgment of its receipt;

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid;

(*c*) to arrange for the crop being reaped and deposited when it is not done in time by any holder of the land and delay is likely to result in damage to the produce and to realise the cost of labour thereby incurred from the sale proceeds of the crop;

(*d*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same and to realise the amount required for the remuneration of the said watchmen.

4. The Deputy Commissioner's orders under either clause (*a*) or (*b*) of the above rule shall be made known by service of a notice thereof on the holder or holders of the mortgaged land, by public proclamation, by beat of drum in the village and by affixing a copy of the order in the Chavadi or some other public building in the village in which the mortgaged land is situate.

5. Any person who shall disobey any such order after the same has been so proclaimed or a notice thereof has been served upon him or who shall within the meaning of the Indian Penal Code abet the disobedience of any such order shall, on conviction after summary enquiry by the Deputy Commissioner, be liable to pay a fine not exceeding double the amount for which it had been attached.

6. If, within two months after the crop has been deposited, the amount due together with costs has not been paid, the Deputy Commissioner shall proceed to realise it by sale of such portion of the crop as is necessary, provided that the limit of two months shall not apply to articles of a perishable nature, which shall be sold immediately.

7. When the sale of the distrained produce is ordered, the Deputy Commissioner shall issue a proclamation in Kannada of the intended sale, specifying the amount due, the time and place of sale and whether the sale is subject to confirmation or not. Such proclamation shall be made by beat of *tom tom* in the village in which the property is seized.

8. A written notice of the intended sale shall be affixed in the Amildar's or the Deputy Amildar's Office and in the Chavadi or other public building in the village in which the produce was seized.

9. Sales shall be made by auction by such persons as the Deputy Commissioner may direct. No such sale shall take place on a General Holiday recognised by Government or until the expiration of at least seven days from the latest date on which the notice shall have been affixed as required by the last preceding rule.

The sale may, from time to time, be postponed for any sufficient reason.

10. Nothing in the last three rules applies to the sale of perishable articles.

11. If the defaulter or any person on his behalf pays the instalment due together with such other charges legally due by him before the property is knocked down, to the officer appointed to conduct the sale or if he furnished adequate security, the sale shall be stayed.

12. Sale of perishable articles shall be finally concluded by the officer conducting such sales. All other sales finally concluded by the officer conducting the sales shall be subject to confirmation of such officer, as may be directed in orders to be made by the Deputy Commissioner.

13. When the sale of any moveable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale or as soon after as the said officer shall direct and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same and the sale shall become absolute as against all persons whomsoever.

14. When the sale of any moveable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent on the amount of his bid and in default of such deposit, the property shall forthwith be again put up and

sold. The full amount of the purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed or if the said day be an authorised holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute against all persons whatsoever.

15. In default of payment within the prescribed period of the full amount of purchase money, the deposit after defraying thereout the expenses of the sale shall, at the discretion of the Deputy Commissioner, be liable to be forfeited to Government either wholly or in part and the property shall be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

16. If the proceeds of the resale which is held by reason of the purchaser's default be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

17. Every resale of property in default of payment of the purchase money or after the postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

18. Where the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money as the case may be.

19. When any sale becomes absolute, the proceeds shall be credited to the Taluk Treasury to the account of the creditor Bank and the fact intimated to it or the amount due shall be remitted by a Remittance Transfer Receipt after defraying the expenses of watch and sale.

20. If any claim be set up by a third person to moveable property attached under these provisions, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds disposable as aforesaid.

No. P.-2490—*R. T.* 23-36-1, *dated Bangalore, 13th October* 1936.

In exercise of powers conferred by Section 8 and Sub-Section 3 (a) of Section 9 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, as amended by Regulation No. IX of 1936, the Government of His Highness the Maharaja of Mysore are pleased to direct the levy on and from the 20th October 1936 of the following taxes on motor vehicles belonging to or in possession and control of persons not ordinarily residing in Mysore and used or kept for use in Mysore by such persons for periods shorter than the half-year or the quarter as the case may be but not exceeding 7 days and 30 days at a time.

Rates of Taxes.

SCHEDULE II—E.

VEHICLE TAX.

Class of vehicles	For periods not exceeding 7 days at a time			For periods exceeding 7 days but not exceeding 30 days at a time		
	Rs.	a.	p.	Rs.	a.	p.
1. Motor cycles without side car ...	1	0	0	3	0	0
Do with side car or tricycle.	1	4	0	3	12	0
2. Motor cars constructed or adapted to carry in all not more than seven persons including the driver—						
(*a*) weighing not more than 15 cwts. unladen ...	2	0	0	6	0	0
(*b*) weighing more than 15 cwts. unladen	3	0	0	9	0	0
3. Motor cars constructed or adapted to carry eight persons or more including the driver	10	0	0	30	0	0

SERVICE TAX.

Motor cabs and motor buses— For every person the vehicle is licensed to carry	1	8	0	3	0	0

MILEAGE CESS.

Motor buses ... ... 9 pies per mile.

ROAD TAX.

Class of Vehicles	For periods not exceeding 7 days at a time		For periods exceeding 7 days but not exceeding 30 days at a time	
	Not let or plied for hire	Let or plied for hire	Not let or plied for hire	Let or plied for hire
	Rs. a.	Rs. a.	Rs. a.	Rs. a.
I. Motor Lorries without trailers.—				
(a) Not exceeding 15 cwts. in weight unladen.	6 0	9 0	12 0	18 0
(b) Exceeding 15 cwts. but not exceeding 25 cwts. in weight, unladen.	10 0	15 0	20 0	30 0
(c) Exceeding 25 cwts. but not exceeding 30 cwts. in weight, unladen.	14 0	21 0	28 0	42 0
(d) Exceeding 30 cwts. but not exceeding 35 cwts. in weight, unladen.	18 0	27 0	36 0	54 0
(e) Exceeding 35 cwts. but not exceeding 50 cwts. in weight, unladen.	22 8	33 12	45 0	67 8
(f) Exceeding 50 cwts. but not exceeding 70 cwts. in weight, unladen.	30 0	45 0	60 0	90 0
(g) Exceeding 70 cwts. but not exceeding 100 cwts. in weight, unladen.	35 0	52 8	70 0	105 0
(h) Exceeding 100 cwts.	50 0	75 0	100 0	150 0

Provisos:—

(1) In all cases vehicles not fitted with pneumatic tyres on all wheels shall be liable to one and half times the rate of tax prescribed above for the respective class of the vehicle.

(2) The vehicles liable to the Vehicle Tax, the Road Tax, the Service Tax and the Mileage Cess shall be subject to the privileges, conditions, exemptions and limitations specified in the Schedule relating to that tax, amongst Schedules II-A to II-D.

No. P. 2491—*R. T.* 23-36-2, *dated* 13*th October* 1936.

In exercise of powers conferred on them by Sections 8 and 9 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, as amended by Regulation No. IX of 1936, the Government of His Highness the Maharaja are pleased to notify that the license for the tax prescribed under Sub-Section 3 (a) of Section 9 shall be in the following form :—

MYSORE MOTOR TAXES.

SHORT TERM LICENSES.

FOR

7

DAYS

L. No. S. W. .....

Reg. No. .....

Make .....

Class .....

U. W. .....

Seats .....

Tax .....

No Tolls .....

From .....

Expires .....

Seat *Licensing Officer.*

MYSORE MOTOR TAXES.

SHORT TERM LICENSES.

FOR

30

DAYS

L. No. S. M. .....

Reg. No. .....

Make .....

Class .....

U. W. .....

Seats .....

Tax .....

No Tolls .....

From .....

Expires .....

Seat *Licensing Officer.*

This license should be carried on the front glass windscreen on the near or left lower corner of the glass of such windscreen or within two inches of that glass either in front or behind so as to be clearly visible in front at all times by daylight whether such vehicle is moving or stationary.

No. P. 2492—*R. T.* 23-36-3, *dated* 13*th October* 1936.

In exercise of the powers conferred by Section 2 of the Regulation to amend the Mysore Road Traffic and Taxes Regulation No. IX of 1936, the Government of His Highness the Maharaja are pleased to direct that the said Regulation shall come into force on and from the 20th day of October 1936.

No. P. 2493—*R. T.* 23-36-4, *dated Bangalore,* 13*th October* 1936.

In exercise of powers conferred on them under Sections 8 and 9 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935 as amended by Regulation No. IX of 1936, the Government of His Highness the Maharaja of Mysore are pleased to notify the following orders in regard to the levy of taxes on motor vehicles belonging to or in possession and control of persons not ordinarily residing in Mysore and used or kept for use in Mysore by such persons for periods shorter than the half-year or the quarter as the case may be but not exceeding 30 days at a time :—

(i) The 7-day license forms will bear the distinctive letter of the alphabet S. W. and the 30-day license the distinctive letters S. M. These licenses will be progressively numbered from 1 onwards.

(ii) The 7-day license will be printed on red paper and the 30-day license on badami or yellow paper.

(iii) For purposes of these licenses a day will count from 6 A.M. to 6 A.M. on the next day. Thus a 7-day license issued at 1 P.M. on the 20th October 1936 will be available till 6 A.M. on the 27th October.

(iv) No refunds are allowed on these licenses.

(v) Except as specified above, the Mysore Motor Tax Vehicles Rules will *mutatis mutandis* apply to these licenses.

(vi) From the date these orders come to force, *viz.*, 20th October 1936, the Notification No. P. 5818, dated 2nd March 1936, will cease to be of effect.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

Order No. P. 4168—Legis. 29-36-1, dated Bangalore, the 5th January 1937.

Ordered that the accompanying Regulations to amend the Representative Assembly Regulation and Legislative Council Regulation which received the assent of His Highness the Maharaja, on the 26th day of December 1936, be published as Regulations No. XI and XII of 1936, respectively in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION XI OF 1936.

(Received the assent of His Highness the Maharaja on the 26th day of December 1936).

Regulation to amend the Mysore Representative Assembly Regulation, XVIII of 1923.

Whereas it is expedient to make due provision for the purposes of raising the maximum strength of the urban representation on the Mysore Representative Assembly and of regulating procedure as regards legislative measures, by amending the Mysore Representative Assembly Regulation; His Highness the Maharaja is pleased to enact as follows:—

1. In the second sentence in Section 3 (3) of the Regulation, for the word "fifty" occurring after the words "not less than thirty and not more than," the word "fifty-five" shall be substituted. Amendment of Section of the Regulation

2. For sub-section (1) of Section 9 of the Regulation, the following shall be substituted:

"9 (1). When any Bill is proposed to be introduced in the Legislative Council, the general principles underlying it may first be placed by the Government before the Assembly in the form of a statement and its opinion ascertained. Where the opinion of the Assembly has not Substitution of a new section for Section of the Regulation

been so ascertained, before the introduction of a Bill in the Legislative Council, the general principles underlying it shall be placed by the Government before the Assembly and its opinion ascertained at the earliest opportunity after its introduction in the Legislative Council and before its passing".

REGULATION XII OF 1936.

(Received the assent of His Highness the Maharaja on the 26th day of December 1936.)

Regulation to amend the Mysore Legislative Council Regulation, XIX 1923.

Whereas it is expedient to make due provision for the purpose of discontinuing the election of eight members from the Mysore Representative Assembly to the Legislative Council, by amending the Mysore Legislative Council Regulation; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 4(3) of the Regulation.

1. In the third sentence in Section 4 (3) of the Regulation, the words "by the Mysore Representative Assembly and" occurring therein shall be omitted.

2. The first proviso to Section 4 (3) of the Regulation shall be omitted.

MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.

Price 0-0-3

Regd. No. M.—1175

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The Mysore Gazette

Vol. 72.] PUBLISHED BY AUTHORITY. [No. 2.

BANGALORE, THURSDAY, JANUARY 14, 1937.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATIONS.

Order No. P. 4168—Legis. 29-36-1, dated Bangalore, the 5th January 1937.

Ordered that the accompanying Regulations to amend the Representative Assembly Regulation and Legislative Council Regulation which received the assent of His Highness the Maharaja, on the 26th day of December 1936, be published as Regulations No. XI and XII of 1936, respectively in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION XI OF 1936.

(Received the assent of His Highness the Maharaja on the 26th day of December 1936).

Regulation to amend the Mysore Representative Assembly Regulation, XVIII of 1923.

Whereas it is expedient to make due provision for the purposes of raising the maximum strength of the urban representation on the Mysore Representative Assembly and of regulating procedure as regards legislative measures, by amending the Mysore Representative Assembly Regulation; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 3(3) of the Regulation.

1. In the second sentence in Section 3 (3) of the Regulation, for the word "fifty" occurring after the words "not less than thirty and not more than," the word "fifty-five" shall be substituted.

Substitution of a new sub-section for Section 9 (1) of the Regulation.

2. For sub-section (1) of Section 9 of the Regulation, the following shall be substituted:

"9 (1). When any Bill is proposed to be introduced in the Legislative Council, the general principles underlying it may first be placed by the Government before the Assembly in the form of a statement and its opinion ascertained. Where the opinion of the Assembly has not been so ascertained, before the introduction of a Bill in the Legislative Council, the general principles underlying it shall be placed by the Government before the Assembly and its opinion ascertained at the earliest opportunity after its introduction in the Legislative Council and before its passing".

REGULATION XII OF 1936.

(Received the assent of His Highness the Maharaja on the 26th day of December 1936.)

Regulation to amend the Mysore Legislative Council Regulation, XIX 1923.

Whereas it is expedient to make due provision for the purpose of discontinuing the election of eight members from the Mysore Representative Assembly to the

Legislative Council, by amending the Mysore Legislative Council Regulation; His Highness the Maharaja is pleased te enact as follows :—

1. In the third sentence in Section 4 (3) of the Regulation, the words "by the Mysore Representative Assembly and" occurring therein shall be omitted.

Amendment of Section 4(3) of the Regulation.

2. The first proviso to Section 4 (3) of the Regulation shall be omitted.

MIRZA M. ISMAIL,
Dewan.

No. T. 866—*R. T.* 38-36-4, *dated Bangalore, 7th January* 1937.

The following draft amendment which the Government propose to make in exercise of the powers conferred on them under Section 11 of the Mysore Motor Vehicles Regulation, 1928, to the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, as amended from time to time, is hereby published for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 25th January 1937 and that any suggestions or objections which may be received from any person with respect to the said draft will be considered by Government.

DRAFT AMENDMENT.

Add the words "Khaki shirts or" between the words "Shorts and" and "Khaki" in the first line against Drivers in Rule 44 of the above said rules.

After amendment, the rule would read as follows :—

"Drivers :—Khaki trousers or shorts and khaki shirts or khaki closed coats with five buttons and a cap or a turban or a hat".

By Order,
M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

tions of candidates for election as members of the Legislative Council :—

X. Who is a member of the Mysore Representative Assembly and has made the oath or affirmation as such member.

(*N. B.*—This clause does not apply to candidates standing for general elections).

No. Rl. 670—L. C. 9-36-3, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6 of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to amend Rule No. 21 of the Rules issued with Notification No. Rel. 529—L. C. 12-29-1, dated the 7th January 1930, as regards the conduct of elections to the Legislative Council, as follows :—

21. If any person is elected either by more than one constituency of the Legislative Council or is elected by a constituency of the Legislative Council as a member thereof and a constituency of the Representative Assembly as a member thereof, he shall, by notice in writing signed by him and delivered to the Secretary to Government, Law Department, within seven days from the date of publication of the results of such elections in the *Gazette* choose for which one of these constituencies he shall serve and the choice shall be final.

No. Rl. 671—L. C. 9-36-4, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6 (2) (b) of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to amend Rule No. 3 of the Rules issued with Notification No. P. 3868—Legis. 13-23-15, dated the 11th January 1924, with regard to the

manner of filling casual vacancies occurring in the Legislative Council, as follows:—

In the first sentence of Rule 3, the words "his leaving the State with the intention of being absent for more than six months at a time" shall be substituted for the words "absence from the State" occurring therein.

The rule as revised will read thus:—

3. If any vacancy occurs in the case of an elected member by reason of his election being declared void or by reason of his leaving the State with the intention of being absent for more than six months at a time, death, acceptance of office or resignation duly accepted by Government or by reason of his ceasing to be a member of the original body which elected him, the Government shall, by notification in the official Gazette, call upon the constituency concerned to elect a person to fill up such vacancy within such time as may be prescribed by the Government for the purpose. If a vacancy occurs in the case of a nominated member, the Government shall nominate to the vacancy a person having the necessary qualifications.

No. Rl. 672—*L. C.* 9-36-5, *dated Bangalore,*
18*th January* 1937.

In exercise of the general powers vested in them under Section 6 (1) of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to direct that, for Rules 6 and 6-A of the rules laid down in Notification No. P. 4347—Legis. 13-23-22, dated the 5th February 1924, as amended by Notification No. Rel. 516—L. C. 9-29-2, dated the 18th—23rd December 1929, regarding the conduct of business and procedure to be followed in the Council, the following revised rules be substituted:—

"6. When Government propose to introduce a measure of legislation in the Legislative Council, the general principles underlying it may be placed by the Government before the Representative Assembly as provided for in Section 9 of the Representative Assembly Regulation and after its opinion is ascertained the Government may decide either to introduce a Bill embodying

the proposed measure of legislation or to introduce a modified Bill in view of the discussions in the Assembly or to drop the measure altogether. Where the opinion of the Assembly has not been so ascertained before the introduction of a Bill in the Legislative Council, the general principles underlying it shall be placed by the Government before the Assembly and its opinion ascertained at the earliest opportunity after its introduction in the Legislative Council and before its passing. In either case, the official member in charge of the measure shall obtain the permission of the Dewan, in writing, for leave to introduce the Bill in the Legislative Council, and if such permission is granted, he may move for the leave of the Council to introduce the Bill after giving 15 days' previous notice of the title and subject of the Bill to the Secretary.

6 A. If a non-official member wishes to introduce a Bill in the Legislative Council, he shall submit to the Secretary a draft of the Bill, a statement of the general principles underlying it, and a statement of the objects and reasons thereof and other connected papers, if any, and ask for the permission of the Dewan to its introduction. If the Dewan agrees to the introduction of the Bill, the principles underlying it and the Bill with the statement of objects and reasons as submitted by the member shall be placed by Government before the Representative Assembly at a meeting of that House. The views of the Assembly on the measure shall be communicated by the Secretary to the member concerned. The member may then either ask the leave of the Council to introduce the Bill after giving 15 days' previous notice or may abandon it, or request again the leave of the Dewan for introducing it in a modified form in view of the opinion of the Assembly. It will be open to the Government to present the modified Bill again to the Representative Assembly, if Government consider it necessary, and in that case the opinion of the Assembly shall again be communicated to the member. If the member desires to move for the leave of the Council to introduce the Bill, he may do so after giving 15 days' previous notice of the title and subject of the Bill to the Secretary. He shall also send to the Secretary, along with the notice, a copy of the Bill, who shall circulate copies thereof to the members of the Council along with the agenda. Leave of the Council for

introducing a Bill shall be asked for within a year from date of communication to him of the views of the Representative Assembly in regard to the measure.

Rl. 673—*L. C.* 9-36-6, *dated Bangalore,* 18*th January* 1937.

In exercise of the powers vested in them under Section 14 of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to direct that the following amendments be made in the rules issued with Notification No. P. 4348—Legis. 13-23-23, dated the 5th February 1924, as amended by No. Rel. 406—L. C. 4-25-1, dated the 3rd April 1926, No. Rel. 525—L. C. 11-29-1, dated the 2nd January 1930, and No. Rel. 232—L. C. 8-30-1, dated the 7th January 1931, respectively, as regards the asking of questions and moving of resolutions in the Legislative Council :—

1. Insert the following as Rule No. 2 :—

No member shall be allowed to send up more than five questions for any session of the Council and not more than two of them may be starred for purposes of putting supplementary questions.

NOTE.—Supplementary questions may be put in the Council only in respect of answers to starred questions. Questions not starred will not be called in Council, but they will be printed with answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.

2. Insert the following as sub-rules (f), (g) and (h) under Rule 4 :—

(*f*) It shall relate to a single matter,

(*g*) It shall not bring in any matter not strictly necessary to make the question intelligible; and

(*h*) It shall not relate to matters which are entirely within the competence of a local authority or a private company.

3. Insert the following as Rule No. 9 :—

No member shall be allowed to send up more than two resolutions for any session of the Council.

4. Insert the following as sub-rule (2) of Rule 18 and re-number the remaining three sub-rules as (3), (4) and (5) :—

The President may direct any member whose conduct is, in his opinion, grossly disorderly, to withdraw immediately from the Council and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the days' sittings.

Rl. 674—*L. C.* 9-36-7, *dated Bangalore,*
18*th January* 1937.

In exercise of the powers vested in them under Section 6 of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to direct that the Rule No. 5 issued with Notification No. P. 2404—Legis. 13-23-4, dated the 7th November 1923 as subsequently amended regarding the qualifications and disqualifications of voters to the Legislative Council and Rule No. 36 issued with Notification No. Rel. 529—L. C. 12-29-1, dated the 7th January 1930 as subsequently amended regulating the conduct of elections to the Legislative Council, be both deleted.

No. Rl. 675—L. C. 9-36-8, Bangalore, dated
18th January 1937.

In exercise of the powers vested in them under Section 6 (2) (c) of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to amend the rules regarding the nomination of members to the Legislative Council issued with Notification No. P. 2402—Legis. 13-23-2, dated the 7th November 1923, as follows :—

The eight seats reserved for non-officials under Notification No. P. 2401—Legis. 13-23-1, dated the 7th November 1923, and as subsequently amended, will as

required in Section 4 (3) of the Regulation be for the representation of special interests and minorities or for any other cause:

Provided that Government will guarantee to the interests specified below representation in the Legislative Council as noted against each—

Mahomedans	....	2 seats
Indian Christians	....	1 seat
Depressed Classes	....	1 seat

If they fail to secure this number through the electorates for the return of the non-official members specified in Schedule II of the Legislative Council Regulation, Government will make good the difference by nomination through associations to be recognised for the purpose according to the procedure prescribed in para 38 of the Government Order No. 1367-1420—C. B. 100-23-1, dated the 27th October 1923.

No. Rl. 676—R. A. 27-36-1, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6 (2) (e) of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His Highness the Maharaja are pleased to direct that in lieu of the rules issued with Notification No. P. 2398—Legis. 12-23-5, dated the 7th November 1923, as amended by Notification No. Rel. 1180—R. A. 56-26-1, dated the 25th April 1927, as regards the qualifications and disqualifications of elected members of the Representative Assembly, the following shall be substituted :—

Every person who is a non-official and is qualified as an elector in any constituency under the rules published with Notification No. P. 2397 -Legis. 12-23-4, dated the 7th November 1923, and further amended by subsequent notifications, shall be eligible to stand for election provided that—

(i) the person standing for election to represent the special interest of Mysore University shall be a member of the Senate;

(ii) such person is not a member of the Mysore Legislative Council and has not made the oath or affirmation as such member.

N. B.—The second proviso does not apply to candidates standing for general elections.

No. Rl. 677—R. A. 27-36-2, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Sections 6 and 12 of the Mysore Representative Assembly Regulation, XVIII of 1923, respectively, the Government of His Highness the Maharaja are pleased to direct that the following two sub-rules be inserted under Rule 25 (iv) as sub-rules (7-a) and (7-b) of the Rules of Business (Part VII, Interpellations) issued with Notification No. P. 3039—Legis. 12-23-9, dated the 8th December 1923 :—

7-A. It shall not bring in any matter not strictly necessary to make the question intelligible.

7-B. It shall not relate to subjects relating to or within the competence of a local authority or a private company.

No. Rl. 678—R. A. 27-36-3, dated Bangalore, 18th January 1937.

In exercise of the powers vested in them under Section 6 of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His Highness the Maharaja are pleased to amend Rule No. 21 issued with Notification No. 527—R. A. 38-29-1, dated the 6th January 1930, as regards the conduct of elections to the Representative Assembly, as follows :—

"21. If any person is elected either by more than one constituency of the Representative Assembly or is elected by a constituency of the Representative Assembly as a member thereof, and a constituency of the Legislative Council, as a member thereof, he shall, by notice in writing signed by him and delivered to the Secretary to Government, Law Department, within seven days from

the date of publication of the results of such elections in the Gazette, choose for which one of those constituencies or bodies he shall serve and the choice shall be final."

No. Rl. 679—R. A. 27-36-4, Bangalore, dated 18th January 1937.

In exercise of the powers vested in them under Section 6 (2) (a) of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His Highness the Maharaja are pleased to amend Rule 3 of the rules issued with Notification No. P. 3867—Legis. 12-23-15, dated the 11th January 1924, as regards the filling up of casual vacancies as follows:—

In the first sentence of Rule 3, the words "his leaving the State with the intention of being absent for more than six months at a time" shall be substituted for the words "absence from the State" occurring therein.

The rule as revised will read thus:—

"3. If any vacancy occurs in the case of an elected member by reason of his election being declared void or by reason of his leaving the State with the intention of being absent for more than six months at a time, death, acceptance of office or resignation duly accepted by Government or by reason of his ceasing to be a member of the original body which elected him, the Government shall, by notification in the Official Gazette, call upon the constituency concerned to elect a person to fill up such vacancy within such time as may be prescribed by the Government for the purpose. If a vacancy occurs in the case of a nominated member, the Government shall nominate to the vacancy a person having the necessary qualifications.

No. Rl. 680—R. A. 27-36-5, dated Bangalore, 18th January 1937.

In exercise of the powers vested in them under Section 12 of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His

Highness the Maharaja are pleased to insert the following new rule as Rule 44-A. under Rule 44 in Part IX (Representations) of the rules issued with Notification No. P. 3039—Legis. 12-23-9, dated the 8th December 1923, as regards the admission of Representations :—

"44-A. *Disallowance.*—When a representation has been disallowed or withdrawn with the leave of the Assembly or has been discussed in the Assembly and the opinion of the Government has been given thereon, no representation raising substantially the same question shall be moved within one year."

No. R. 2969—*L. R.* 209-36-3, *dated Bangalore, the* 19*th January* 1937.

In exercise of the powers conferred by Section 10 of the Land Improvement Loan Regulation No. IV of 1890, the Government of His Highness the Maharaja are pleased to issue the following amendments to Rule XIII of the Rules under the said Regulation and to para 2 (c) (iii) of Form No. VIII annexed to the Rules.

In Rule XIII between the words "conditions on which it was made" and "he may" insert the words "or has applied to be adjudicated, or has been adjudicated, a bankrupt or an insolvent".

In para 2 (c) iii of Form No. VIII between the words "recovery cannot otherwise be made" and "the entire unpaid balance" insert the words "or if the borrower applies to be adjudicated, or is adjudicated, a bankrupt or an insolvent".

The first sentence in Rule XIII and the para in the order Form as amended will read as follows :—

Rule XIII.—If at any time the Deputy Commissioner, or other officer granting the loan, is satisfied that any person who has received a loan has failed to perform any of the conditions on which it was made, or has applied to be adjudicated or has been adjudicated, a bankrupt or an insolvent, he may, after recording in writing the grounds of his decision, proceed to recover forthwith from such persons or any surety of such person any sums which

remain due, together with any interest payable thereon, and costs, as arrears of land revenue :

FORM No. VIII.

* * * * *

2 (c) (iii) If default in the payment of annual instalment on account of the loan occurs and recovery cannot otherwise be made, or if the borrower applies to be adjudicated, or is adjudicated, a bankrupt or an insolvent, the entire unpaid balance of the loan or such portion of it as the Deputy Commissioner may determine shall be deemed to become due at once and the whole of the land specified under condition (d) or such portion of it as the Deputy Commissioner may deem necessary shall be sold for the recovery of the amount with interest thereon and expenses of sale, if any.

By Order,

B. T. KESAVIENGAR,

Offg. *Chief Secretary to Government.*

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

Order No. P. 4894—*Legis.* 32-36-1, *dated Bangalore, the* 8—*9th February* 1937.

Ordered that the accompanying Regulation to amend the Mysore Religious and Charitable Institutions Regulation which received the assent of His Highness the Maharaja on the second day of February 1937 be published as Regulation No. I of 1937, in the *Mysore Gazette*, for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION No. I OF 1937.

(*Received the assent of His Highness the Maharaja on the second day of February 1937.*)

Regulation to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927.

Whereas it is expedient to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927; It is hereby enacted as follows:—

1. Add the following as a further proviso at the end of Section 25:

"Provided further that on the cessation of such management the Government may, while giving back the management of the property, impose such restrictions for such period as the Government may deem fit, in the interest of the Institution."

2. Insert the following as Section 40 B after 40 A of the said Regulation:—

"No suit or other proceeding shall lie against any person for anything done or intended to be done, in good faith under this Regulation or under any rule made thereunder."

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3

NOTIFICATION.

Order No. P. 4906—*Legis.* 32-36-1, *dated Bangalore, the 9th February* 1937.

Ordered that the accompanying Regulation further to amend the Mysore Agriculturists' Relief Regulation which received the assent of His Highness the Maharaja on the second day of February 1937, be published as Regulation No. II of 1937 in the *Mysore Gazette*, for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION No. II OF 1937.

(*Received the assent of His Highness the Maharaja on the second day of February 1937.*)

Regulation further to amend the Mysore Agriculturists' Relief Regulation.

Whereas it is expedient to further amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows :—

After Sub-section (1) of Section 4 of the Mysore Agriculturists' Relief Regulation, 1928, the following new Sub-section shall be inserted, namely—

"(1-A) Notwithstanding anything to the contrary contained in this Regulation, the question as to the status of a party as an agriculturist shall be raised at the earliest possible opportunity in suits filed after 30th April 1937."

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3

Note.—Pyridine proper is a single definite compound (C_5H_5N) boiling at about 116°C. "Pyridine Bases" are mixtures of pyridine with closely allied compounds, boiling at various temperatures. They are cheaper and more effective denaturants than the pure pyridine.

No. T. 1120—R. T. 13-36-24, Dated Bangalore, 4—5th February 1937.

Refund of taxes paid on motor vehicles.

In exercise of the powers vested in them under Sub-Section 4 of Section 9 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following sub-clauses (v), (vi), and (vii) be added to Rule 24 of the Mysore Motor Vehicles Tax Rules, Part I, published under Notification No. P. 3812—Legis. 46-5, dated the 11th December 1935, the existing sub-clauses (a) to (d) being renumbered as (i) to (iv) respectively :—

clause(d) of

or (v) the vehicle not being in a condition to be used on the road due to being mechanically disabled;

NOTE.—This will not apply to cases wherein a vehicle cannot be or is not used due to some voluntary action on the part of the owner of the vehicle;

or (vi) the vehicle not being used on the road due to the pendency of the application for a permit required under the rules before, or a refusal thereof by, the authority empowered to grant permits;

NOTE.—This does not apply to cases in which the person in charge of the vehicle has delayed in applying for or fails to apply in time for permits as required by rules;

or (vii) the vehicle becoming derelict or unfit for further use in the course of the quarter, the registration whereof has been duly cancelled by the Registering Authority.

By Order,
M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Order No. P. 4894—*Legis.* 32-36-1, *dated Bangalore, the* 8—*9th February* 1937.

Ordered that the accompanying Regulation to amend the Mysore Religious and Charitable Institutions Regulation which received the assent of His Highness the Maharaja on the second day of February 1937 be published as Regulation No. I of 1937, in the *Mysore Gazette*, for general information.

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

REGULATION No. I OF 1937.

(*Received the assent of His Highness the Maharaja on the second day of February 1937.*)

Regulation to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927.

Whereas it is expedient to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927; It is hereby enacted as follows:—

1. Add the following as a further proviso at the end of Section 25:

"Provided further that on the cessation of such management the Government may, while giving back the management of the property, impose such restrictions for such period as the Government may deem fit, in the interest of the Institution."

2. Insert the following as Section 40 B after 40 A of the said Regulation:—

"No suit or other proceeding shall lie against any person for anything done or intended to be done, in good faith under this Regulation or under any rule made thereunder."

MIRZA M. ISMAIL,

Dewan.

Order No. P. 4906—Legis. 32-36-1, dated Bangalore, the 9th February 1937.

Ordered that the accompanying Regulation further to amend the Mysore Agriculturists' Relief Regulation which received the assent of His Highness the Maharaja on the second day of February 1937, be published as Regulation No. II of 1937 in the *Mysore Gazette*, for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION No. II OF 1937.

(Received the assent of His Highness the Maharaja on the second day of February 1937.)

Regulation further to amend the Mysore Agriculturists' Relief Regulation.

Whereas it is expedient to further amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows :—

After Sub-section (1) of Section 4 of the Mysore Agriculturists' Relief Regulation, 1928, the following new Sub-section shall be inserted, namely—

"(1-A) Notwithstanding anything to the contrary contained in this Regulation, the question as to the status of a party as an agriculturist shall be raised at the earliest possible opportunity in suits filed after 30th April 1937."

MIRZA M. ISMAIL,
Dewan.

No. T. 1159—*R. T.* 38-36-6, *dated Bangalore, the 9th February* 1937.

Refund of Taxes.

In exercise of powers conferred by sub-section (4) of section 9 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following amendment to item No. (iii) of Rule 23 of the Mysore Motor Vehicles Tax Rules, Part I, published under Notification No. P. 3896—Legis. 46-35, dated 16th December 1935.—

Substitute "3/10ths" for "2/5ths" occurring in the last column under "Amount to be refunded."

The item referred to above will, after this amendment, read as follows:—

"(iii)	do for periods not less than one calendar month and less than two complete calendar months during the quarter."	3/10ths of the tax paid.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Order No. P. 4969—Legis. 35-36-1, dated Bangalore, the 13th February 1937.

Ordered that the accompanying Regulation for the regulation of Wireless Telegraphy in Mysore which received the assent of His Highness the Maharaja, on the fourth day of February 1937, be published as Regulation No. IV of 1937, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION No. IV OF 1937.

(Received the assent of His Highness the Maharaja on the Fourth day of February 1937.)

A Regulation for the regulation of Wireless Telegraphy in Mysore.

Whereas it is expedient to regulate the establishment, maintenance, working and possession of wireless telegraphy apparatus in Mysore; it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Wireless Telegraphy Regulation, 1937.

(2) It extends to the whole of Mysore.

(2) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context:—

(1) "Wireless communication" means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus;

(2) "Wireless telegraphy apparatus" means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes

any article determined by rule made under section 13 to be wireless telegraphy apparatus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under section 13 not to be wireless telegraphy apparatus; and

(3) "Prescribed" means prescribed by rules made under section 13.

Prohibition of possession of wireless telegraphy apparatus without license.

3. Save as provided by section 4, no person shall establish, maintain, work or possess wireless telegraphy apparatus except under and in accordance with a license issued under this Regulation.

Power of Government to exempt persons from provisions of the Regulation.

4. The Government may by rules made under this Regulation exempt any person or any class of persons from the provisions of this Regulation either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus.

Licenses

5. (1) The Government may, by notification in the official Gazette, constitute the authority who shall be competent to issue licenses to establish, maintain, work or possess wireless telegraphy apparatus under this Regulation. Such authority may issue licenses in such manner, subject to such restrictions and conditions and subject to such payments, as may be prescribed.

Revocation of Licenses.

(2) The Government or the authority constituted under sub-section (1) may, at any time, revoke any license granted thereunder on the breach of any of the conditions therein contained, or in default of payment of any consideration payable thereunder.

Power for Government to take possession on occurrence of public emergency.

6. (1) On the occurrence of any public emergency, or in the interest of the public safety, the Government or any officer specially authorized in this behalf by the Government, may

(*a*) take temporary possession of any wireless telegraphy apparatus established, maintained, worked or possessed by any person licensed under this Regulation; or

(*b*) order that any wireless communication or class of wireless communications to or from any person or class of persons or relating to any subject shall not be transmitted by any wire-

less telegraphy apparatus or shall be intercepted or detained, or disclosed to the Government or an officer thereof mentioned in the order.

(2) If any doubt arises as to the existence of a public emergency or whether any act done under sub-section (1) was in the interest of the public safety, a certificate signed by a Secretary to he Government shall be conclusive proof on this point.

Penalty for illegal possession.

7. Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished, in the case of the first offence, with fine which may extend to one hundred rupees, and in the case of a second or subsequent offence with fine which may extend to two hundred and fifty rupees.

Pienalty for illegal establishment.

8. Whoever establishes, maintains or works wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished with fine which may extend to five hundred rupees.

Penalty for breach of condition.

9. If the holder of a license granted under section 3 contravenes any condition contained in his license, he shall be punished with fine which may extend to one thousand rupees and in the case of a second or subsequent offence with fine which may extend to two hundred and fifty rupees.

Power of search.

10. (1) The District Magistrate, or a Magistrate of the First Class or a Magistrate of the Second Class specially empowered by the Government in this behalf, may issue a warrant for the search, at any time between sunrise and sunset, of any building or place in which he has reason to believe that any wireless telegraphy apparatus in respect of which an offence punishable under this Regulation has been committed, is kept or concealed.

(2) The officer to whom a search warrant under sub-section (1) is addressed may enter any building, or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he has reason to believe an offence under this Regulation has been committed.

Confiscation of apparatus.

11. (1) If, in the trial of an offence under this Regulation, the accused is convicted, the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.

Apparatus confiscated or having no owner to be property of Government.

(2) All wireless telegraphy apparatus confiscated under sub-section (1) and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Government.

Power of court to direct payment of fines to prescribed authority.

12. A Court inflicting a fine as punishment for any offence under this Regulation or rules made thereunder may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of any Broadcasting Service approved in this behalf by the Government.

Power of Government to make rules.

13. (1) The Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*i*) determining that any article or class of articles shall be or shall not be wireless telegraphy apparatus for the purposes of this Regulation;

(ii) the exemption of persons or classes of persons under section 4 from the provisions of this Regulation;

(*iii*) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licenses, the form of licenses, and the payments to be made for the issue and renewal of licenses;

(*iv*) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus;

(*v*) the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus; and

(*vi*) constituting the authority referred to in section 5.

(3) In making a rule under this section, the Government may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees.

MIRZA M. ISMAIL,

Dewan.

NOTIFICATION.

No. P. 5239—Legis., Bangalore, dated 28th February 1937.

Ordered that the accompanying Regulation to amend the Regulation to provide for the imposition and collection of an Excise Duty on Sugar, 1934, which received the assent of His Highness the Maharaja, on the 28th day of February 1937, be published as Emergency Regulation No. VII of 1937, in the *Mysore Gazette* Extraordinary for general information.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

EMERGENCY REGULATION VII OF 1937.

(Received the assent of His Highness the Maharaja on the twenty-eighth day of February 1937.)

A Regulation to amend the Sugar (Excise Duty) Regulation, 1934.

Whereas an emergency has arisen which makes it necessary to revise the Excise Duty on sugar; now therefore under Section 12 of the Mysore Legislative Council Regulation, 1923, it is hereby enacted as follows:—

1. (1) This Regulation may be called the Sugar (Excise Duty) Amendment Emergency Regulation, 1937. Short title and commencement.

(2) It shall come into force at once.

2. In Section 3 (2) (ii) of the Sugar (Excise Duty) Regulation, 1934, *for* the words "one rupee and five annas" the words "two rupees" shall be *substituted*. Amendment of Section 3.

MIRZA M. ISMAIL,
Dewan of Mysore.

Price: 0-0-3

Regd. No. M.—1175

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The Mysore Gazette

Vol. 72.] PUBLISHED BY AUTHORITY. [No. 11.

BANGALORE, THURSDAY, MARCH 18, 1937.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. R. 3735—L. R. 208-36-5, dated 10th March 1937.

Addenda and Corrigenda Slip to Rules under the Land Revenue Code.

Under the powers vested in them in Section 233 of the Land Revenue Code and in pursuance of the orders issued in Government Order No. R. 3726-34—L. R. 208-36-4, dated 10th March 1937, Government are pleased to direct that the following be added as an "N. B." to Rule 43 of the Rules under the said Code :—

N. B.—The Sub-Division Officers are empowered to sanction either free or for upset price two acres of dry land to landless members of the depressed classes, when the value of the land does not exceed Rs. 25.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

No. T. 1545—*R. T.* 38-36-6, *Bangalore, dated 9th March* 1937.

Rate of Tolls on Non-motor vehicles other than those entering the State at Frontier Toll Gates.

The following note which the Government propose to add, after item No. 15 in the schedule published under the above head in Notification No. P. 3158—Legis. 46-35-2, dated 11—12th November 1935, in exercise of the powers conferred upon them under Section 22 of the Road Traffic and Taxation Regulation No. VI of 1935, is hereby published for the information of persons likely to be affected thereby and notice is hereby given that the proposed addition of the note will be taken into consideration on or after the 18th March 1937 and that any suggestions or objections that may be received from any person in respect of the proposed addition of the note within that date will be considered by Government.

"*Note*:—Double the rate of tolls prescribed above shall be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 when such carts are laden with timber."

No. T. 1546—*R. T.* 38-36-5, *Bangalore, dated the 9th March* 1937.

Refund of Taxes.

In exercise of the powers conferred upon them by Sub-Section (4) of Section 9 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935 as amended by Regulation No. IX of 1936, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 23 of the Mysore Motor Vehicles Tax Rules, Part I, published under Notification No. P. 3896—Legis. 46-35, dated the 16th December 1935.

AMENDMENT.

Number the existing Rule 23 as Rule 23 (*a*).

Insert the following as Rule 23 (*b*).

"(*b*) The scale of refund in the case of motor bicycles and cars liable to pay vehicle tax will be as follows:—

	Amount to be refunded.
(i) If the vehicle is not in use during the whole half year.	Two-thirds the tax paid.
(ii) If the vehicle is not in use for a period not less than four continuous calendar months during the half year but less than the whole half-year.	Half the tax paid.
(iii) If the vehicle is not in use for periods of not less than three continuous calendar months and more, and less than four complete calendar months during the half year.	One-third the tax paid.
(iv) For periods of less than three calendar months.	No refund.

No. T. 1576—R. T. 43-36-4, Bangalore, dated 10—12th March 1937.

In virtue of the powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the Hadadi Toll-Gate in the Chitaldrug District be shifted from its present location to a site just in front of the Hadadi village gate pillars.

No. T. 1625—R. T. 13-36-29, dated Bangalore, the 16th March 1937.

Refund of Taxes paid on Motor Vehicles.

In exercise of the powers vested in them under Sub-Section (4) of Section 9 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, the Government of His

Highness the Maharaja are pleased to direct that the following sub-clause (VIII) be added to Rule 24 (d) of the Mysore Motor Vehicles Tax Rules, Part I, published under Notification No. P. 3812—Legis. 46-5, dated the 11th December 1935:—

"or (VIII) the vehicle being re-registered in the course of the quarter, (the original registration having been previously cancelled) and thus used during only a portion of the quarter."

By Order,

V. VEDAVYASACHARYA,

Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

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The Mysore Gazette

Vol. 72.] PUBLISHED BY AUTHORITY. [No. 14.

BANGALORE, THURSDAY, APRIL 8, 1937.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 5892—Pol. 59-36-12, dated Bangalore, the 5—6th April 1937.

In exercise of the powers conferred by sections 4 and 12 of the Mysore Arms Regulation, VI of 1890, as amended from time to time, the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Mysore Arms Rules, 1926, namely :—

In Rule 4 (a) of the said Rules add "asphyxiating poisonous, irritant, or other gases and analogous liquids, materials or devices" after the words "exceeding ten seers" and substitute a comma for the full stop after the word "seers."

In Rule 4 (b) of the said Rules add "asphyxiating poisonous, irritant or other gases and analogous liquids, materials or devices" after the words "exceeding 1 cwt. at any time" and insert a comma after the word "time."

No. R. 4061—*L. S.* 37-36-3, *dated Bangalore, the* 1*st April* 1937.

Under the powers vested with them in Section 17 (1) of the Mysore Land Record of Rights Regulation X of 1927, the Government of His Highness the Maharaja of Mysore are pleased to order the following amendments to certain Rules under the said Regulation :—

The following Rule will be substituted for Rule 9 and the existing Rule 9 will be renumbered as 9 (*a*).

(1) *Rule* 9.—As the preliminary registers are completed and checked, the Shanbhog shall prepare a demand register in respect of each village under the immediate supervision of the Deputy Amildar or other officer appointed for the purpose, which will be sent to the Taluk Office for proceeding with the collection of Record of Rights fees after one year as provided in Rule 39 (i) infra.

(2) In the third line of Rule 25 insert the word "revised" between the words "a" and "Demand."

In the fourth line of the same Rule the words "in form No. VI (*a*)" shall be inserted between the words "Register" and "prepared."

The Rule as revised will read as follows :—

Rule 25.—When forwarding the Index of Lands and Final Record of Rights Registers to the Deputy Commissioner, the District Survey Officer shall forward a revised *Demand* Register in form No. VIA prepared under the immediate supervision of the Deputy Amildar or other officer appointed for the purpose showing the amount of Record of Rights fees due from each hissedar or right-holder.

3. The following new Rule shall be added as Rule 25(*a*) after Rule 25.

Rule 25*a*.—On receipt of the revised Demand Register the Taluk Office shall verify the same with the original Demand Register prepared under Rule 9 supra and make necessary additions or alterations.

By Order,

B. T. KESAVAIENGAR,

Chief Secretary to Government.

Form No. VI

ಸರ್ವೆನಂಬರವಾರ ಹಿಸ್ಸಾಫೀ ಡಿಮ್ಯ೾ಂಡ್ ರಿಜಿಸ್ಟರ್

ಗ್ರಾಮ ..... ತಾಲ್ಲೂಕು ..... ಡಿಸ್ಟ್ರಿಕ್ಟ್

ಸರ್ವೆ ನಂಬರು	ಹಿಸ್ಸೆ ನಂಬರು	ಒಂದೇ ಇಸಂನ ಒಂದೇ ನಂಬರಿನಲ್ಲಿರುವ ಬೇರೆ ಹಿಸ್ಸೆಗಳಿಗೆ ದಾಖಲೆ	ಹಿಸ್ಸಾದಾರ ಅಥವ ಹಕ್ಕುದಾರನ ಹೆಸರು	ರಿಕಾರ್ಡ್ ಆಫ್ ರೈಟ್ಸ್ ರಿಜಿಸ್ಟರಿನಲ್ಲಿ ರತಕ್ಕ ನಂಬರು	ಬರಬೇಕಾದ ಫೀ			ಷರಾ (ಸ್ಪೆಷಲ್ ಫೀ ವಗೈರೆ ಬಗ್ಗೆ ರೂಲು 35 (ಬ) ವಗೈರೆ ಮೇರೆ)
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1	2	3	4	5	6	7	8	9

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No. G. 7654—*P. H.* 10-35-17, *dated Bangalore, the* 29*th*—31*st March* 1937.

Under Section 1(2) of the Mysore Prevention of Adulteration Regulation, IX of 1921, as amended by Regulations IV of 1929 and IV of 1930, Government are pleased to extend the provisions of the said Regulations to the Seringapatam Town in respect of milk (cow's and buffalo's), butter and ghee.

No. G. 7657—*P. H.* 10-35-18, *dated Bangalore, the* 29*th*—31*st March* 1937.

Under Section 20 of the Mysore Prevention of Adulteration Regulation, IX of 1921, as amended by Regulations IV of 1929 and IV of 1930, Government propose to make the rules issued in Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 (annexed hereto) applicable to the Seringapatam Town Municipality. Any objections to this proposal, if made in writing and received on or before 25th April 1937, will be duly considered.

By Order,

V. VEDAVYASACHARYA,

Secretary to Government,
General Department.

Rules under the Mysore Prevention of Adulteration Regulation.

1. In these rules, "Regulation" means the Mysore Prevention of Adulteration Regulation, IX, of 1921.

"Section" means Section of the above Regulation.

Section 3.—

2. The Officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the diploma of Public Health. No legal proceedings under the Regulation shall be instituted without the permission in writing of the President or the Commissioner as the case may be.

Section 20 (*b*).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (*c*).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (*d*).—

5. *How notice of admixture, addition or deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (*e*).—

6. The standards of purity prescribed for milk, cream, butter and ghee are follows :—

Milk.—

Cow's milk.—(1) Where a sample of cows's milk (not being sold as skimmed or separated milk) contains less than three per cent of milk fat, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk solids other than milk fat, it shall be presumed for the purposes of this Regulation, until the contrary be

proved, that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk whether sold as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk fat, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk solids other than milk fat, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Regulation until the contrary be proved, that the sample is not genuine, by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk solids other than milk fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified milk.—(7) Where a sample of milk, separated milk or skimmed milk is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Regulation, until the contrary be proved that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for dirt in milk.—(8) Where a sample of milk, separated or skimmed milk, deposits on

standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk fat, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (*f*).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (*g*).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size, indicated below. The information shall be in black

type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (*h*).—

9. (1) Any person taking a sample of milk for the purposes of this Regulation may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser in cases mentioned in Rule 5 information contained in such labels by word of mouth at the time of purchase, or (*d*) manufacturer, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

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No. D. 6469—C. S. 11-36-94, dated Bangalore, 31st March—1st April 1937.

The following amendment proposed to the rules issued under Section 44 of the Mysore Co-operative Societies Regulation of 1918, amended from time to time, is hereby published for general information. Any suggestions for additions, alterations or omissions by persons or bodies likely to be affected by this rule may be forwarded so as to reach the General Secretary to Government within two months from the date of publication of this notification in the *Mysore Gazette*, after which they will be taken into consideration.

Any suggestions received after the due date will not receive consideration.

Substitute the following for the third paragraph of Rule 18:—

The Bonus or Honorarium payable to Secretaries of Co-operative Societies shall not exceed 15 per cent of the net profits remaining after contribution to the Reserve Fund subject to a maximum of Rs. 300 per annum. In cases where the bonus calculated on the above basis falls below Rs. 30, the General Body may, subject to the approval of the Registrar, sanction a bonus not exceeding Rs. 30 whether or not such bonus exceeds 15 per cent of the net profits as hereinbefore mentioned. Where no clerical assistance is given to the Secretary, an additional 5 per cent may be allowed notwithstanding the fact that such addition may make the whole bonus exceed Rs. 300.

By Order,

V. VEDAVYASACHARYA,

Secretary to Government,
General Department.

No. Rl. 970—L. C., dated Bangalore, the 6th April 1937.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Hindu Law is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Hindu Law.

Whereas it is expedient to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs and to remove certain defects; it is hereby enacted as follows:—

Short Title.

1. (1) This Regulation may be called the Hindu Inheritance (Removal of disabilities) Regulation, 193 .

Extent.

(2) It extends to the whole of Mysore.

Persons not to be excluded from inheritance or rights in joint family property.

2. Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, other than a person who is and has been from birth a lunatic or idiot, shall be excluded from inheritance or from any right or share in joint family property by reason only of disease, deformity or physical or mental defect.

Saving and exception.

3. Nothing hereincontained shall affect any right which has accrued or any liability which has been incurred before the commencement of this Regulation, or shall be deemed to confer upon any person any right in respect of any religious office or service or of the management of any religious or charitable trust which he would not have had if this Regulation had not been passed.

STATEMENT OF OBJECTS AND REASONS.

The Hindu Law as at present administered contains provisions excluding from inheritance certain classes of heirs suffering from congenital, physical or mental defects. This rule of exclusion is based on ancient texts and was based probably on the ground that the defects incapacitated the persons from having religious efficacy. Society

No. 4643 *L. C.,—Bangalore, dated* 28*th May* 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to further amend the Mysore Civil Courts Regulation, 1883, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to further amend the Mysore Civil Courts Regulation, 1883.

Whereas it is expedient to further amend the Mysore Civil Courts Regulation, 1883; It is hereby enacted as follows :—

1. *Substitute the following for Section* 4-*A of the Regulation.*—"The Government of Mysore may, by notification, fix, and from time to time, vary the number of Judges to be appointed for a District or Subordinate Judge's or Munsiff's Court."

2. *Substitute the following for Section* 4-*B of the Regulation.*—"When more than one Judge is appointed for a District or Subordinate Judge's or Munsiff's Court, one of the Judges shall be appointed the Principal Judge and the others Additional Judges."

"Each of the Judges appointed to a District or Subordinate Judge's or to a Munsiff's Court, may exercise all or any of the powers conferred on the Court by this Regulation or any other law for the time being in force.

"Subject to the general or special orders of the High Court, the Principal District Judge may and subject to the general or special orders of the District Judge. The Principal Subordinate Judge or the Principal Munsiff may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof."

STATEMENT OF OBJECTS AND REASONS.

The Mysore Civil Courts Regulation I of 1883, was amended by Regulation VII of 1926 so as to make it possible to appoint more than one Subordinate Judge to a Subordinate Judge's Court and more than one Munsiff to a Munsiff's Court. On that occasion no amendment was made so that more than one District Judge could be appointed to a District Court. Whenever arrears accumulate in any District Court it becomes necessary to establish an additional District Court with separate establishment for temporary periods. The High Court will have to formally transfer suits and proceedings from the permanent to temporary Courts and re-transfer them to the permanent Court when the additional Court ceases to exist. Difficulties will also arise in the matter of the execution of the decrees and orders passed by the additional Court when it is abolished. The most convenient and economical course in such circumstances would be to add a Judge temporarily to an existing District Court.

The present Bill is intended to provide for the appointment, when necessary, of more than one District Judge for a District Court, so as to avoid the inconveniences mentioned above.

No. L. C. 4645—Bangalore, dated 28th May 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the following Bill further to amend the Indian Penal Code (as in force in Mysore) is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill further to amend the Indian Penal Code (As in force in Mysore).

Whereas it is expedient further to amend the Indian Penal Code as in force in Mysore; It is hereby enacted as follows :—

1. This Regulation may be called the Indian Penal Code (Amendment) Regulation, 19.....

2. In Section 375 of the Indian Penal Code as in force in Mysore in clause *Fifthly* for the word "twelve" the word "fourteen" shall be substituted. Amendment of Section 375.

STATEMENT OF OBJECTS AND REASONS.

According to Section 375 of the Indian Penal Code as in force in Mysore, the age of consent is 12 both within and outside marital connection. This is considered too low for sufficient protection of minor girls. It has been revised in British India by Act XXIX of 1925. It is now proposed to raise the age to 14 as against strangers leaving the age in marital cases unaffected as the legal age of marriage remains unaffected.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 72.] PUBLISHED BY AUTHORITY. [No. 27.

BANGALORE, THURSDAY, JULY 8, 1937.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 7255—Pol. 35-36-22, dated Bangalore, the 29—30th June 1937.

The Government of His Highness the Maharaja are pleased to extend the provisions of Section 56 of the Mysore Police Regulation, V of 1908, as amended from time to time, to the undermentioned places of Mysore District :—

1.	Sosale	T.-Narsipur Taluk.
2.	Mugur	"
3.	Gargeswari	"
4.	Talkad	"
5.	Kadakola	Mysore Taluk.
6.	Ramasamudra	Chamarajanagar Taluk.
7.	Udigal	"
8.	Santhemarhalli	"
9.	Ummathur	"
10.	Honganur	"
11.	Kuderu	"
12.	Mangala	"
13.	Terakanambi	Gundlupet Taluk.
14.	Begur	"

15.	Kowlande	Nanjangud Taluk.
16.	Hullahalli	"
17.	Thgadur	"
18.	Badanaval	"
19.	Kalale	"
20.	Nagarle	"
21.	Hanasoge	Krishnarajnagar Taluk.
22.	Hampapur	"
23.	Hosa Agrahar	"
24.	Bherya	"
25.	Bettadapur	(Periyapatna Sub-Taluk).
26.	Bilikere	Hunsur Taluk.
27.	Kattemalalvadi	"
28.	Agara	Yelandur Taluk.
29.	Mamballi	"

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

No. T. 22—R. T. 43-36-12, Bangalore, dated the 1st—2nd July 1937.

In virtue of the powers vested in them, under Sections 14 and 15 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the Lakkampur Frontier toll-gate, which is at present situated about 4 miles from the frontier, be shifted to Gadimakunte, 1½ miles from the frontier on the Vijapur-Ujjini Road in Jagalur Taluk, Chitaldrug District.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

NOTIFICATION.

Order No. P. 321—*Legis.* 3-37-1, *dated Bangalore,* 15—19*th July* 1937.

Ordered that the accompanying Regulation further to amend the Indian Penal Code which received the assent of His Highness the Maharaja on the tenth day of July 1937, be published as Regulation No. IX of 1937, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION IX OF 1937.

(*Received the assent of His Highness the Maharaja on the tenth day of July 1937.*)

Regulation further to amend the Indian Penal Code.

WHEREAS it is expedient further to amend the Indian Penal Code as in force in Mysore; It is hereby enacted as follows:—

(1) This Regulation may be called the Indian Penal Code (Amendment) Regulation, 1937.

(2) In Section 375 of the Indian Penal Code as in force in Mysore in clause *Fifthly* for the word "twelve" the word "fourteen" shall be substituted. Amendment of Section 3

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 72.] PUBLISHED BY AUTHORITY. [No. 29.

BANGALORE, THURSDAY, JULY 22, 1937.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

Order No. P. 323—*Legis.* 2-37-1, *dated Bangalore,* 16—19*th July* 1937.

Ordered that the accompanying Regulation further to amend the Mysore Civil Courts Regulation, 1883, which received the assent of His Highness the Maharaja on the tenth day of July 1937, be published as Regulation No. VIII of 1937, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION VIII OF 1937.

(Received the assent of His Highness the Maharaja on the tenth day of July 1937.)

Regulation further to amend the Mysore Civil Courts Regulation, 1883.

Whereas it is expedient to further amend the Mysore Civil Courts Regulation, 1883; It is hereby enacted as follows :—

1. *Substitute the following for Section* 4-*A of the Regulation* :—

"The Government of Mysore may, by notification, fix, and from time to time, vary the number of Judges to be appointed for a District or Subordinate Judge's or Munsiff's Court."

2. *Substitute the following for Section* 4-*B of the Regulation* :—

"When more than one Judge is appointed for a District or Subordinate Judge's or Munsiff's Court, one of the Judges shall be appointed the Principal Judge and the others Additional Judges."

"Each of the Judges appointed to a District or Subordinate Judge's or to a Munsiff's Court, may exercise all or any of the powers conferred on the Court by this Regulation or any other law for the time being in force."

"Subject to the general or special orders of the High Court, the Principal District Judge may and subject to the general or special orders of the District Judge, the Principal Subordinate Judge or the Principal Munsiff may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 321—*Legis.* 3-37-1, *dated Bangalore,* 15—19*th July* 1937.

Ordered that the accompanying Regulation further to amend the Indian Penal Code which received the assent of His Highness the Maharaja on the tenth day of July 1937, be published as Regulation No. IX of 1937, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION IX OF 1937.

(*Received the assent of His Highness the Maharaja on the tenth day of July 1937.*)

Regulation further to amend the Indian Penal Code.

WHEREAS it is expedient further to amend the Indian Penal Code as in force in Mysore; It is hereby enacted as follows:—

(1) This Regulation may be called the Indian Penal Code (Amendment) Regulation, 1937.

(2) In Section 375 of the Indian Penal Code as in force in Mysore in clause *Fifthly* for the word "twelve" the word "fourteen" shall be substituted. Amendment of Section 375.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 324—Legis. 4-37-1—dated Bangalore, 16—19th July 1937.

Ordered that the accompanying Regulation to amend the Sugar (Excise Duty) Regulation II of 1934 which received the assent of His Highness the Maharaja on the tenth day of July 1937, be published as Regulation No. X of 1937, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION X OF 1937.

(Received the assent of His Highness the Maharaja on the tenth day of July 1937).

A Regulation to amend the Sugar (Excise Duty) Regulation II of 1934.

Where as it is expedient to revise the Excise Duty on Sugar; It is hereby enacted as follows:—

Short title.

1. (1) This Regulation may be called the Sugar (Excise Duty) Amendment Regulation, 1937.

Repeal.

(2) The Sugar (Excise Duty) Amendment Emergency Regulation VII of 1937, is hereby repealed.

Amendment of Section 3.

2. In sub-section (2) of Section 3 of the Sugar (Excise Duty) Regulation, 1934:

(*a*) in clause (i) for the words "ten annas" the words "one rupee and five annas" shall be substituted, and

(*b*) in clause (ii) for the words "one rupee and five annas" the words "two rupees" shall be substituted.

MIRZA M. ISMAIL,
Dewan.

No. L. 583—Ml. 121-36-7, dated Bangalore, 14th July 1937.

In exercise of the powers vested under sections 6 (3) (*a*) and 106 (2) (*b*) of the Minor Municipalities Regulation, 1933, and all other powers in this behalf, Government are pleased to direct that the following rule be added as "10 (A)" to the rules issued in Notification No. L. 1399—Ml. 91-33-1, dated 22nd August 1933, for regulating the election of members to the Municipal Councils in the Minor Municipalities in the State :—

DEPOSITS BY CANDIDATES.

10 (A). (1) Every candidate shall deposit or cause to be deposited in a Government Treasury, a sum of twenty-five rupees in cash and forward the treasury receipt along with his application for candidature and no application shall be valid unless accompanied by such receipt.

Savings Bank Deposits or State Loan Bonds of equal value at the market rate of the day, shall, if tendered, be accepted from candidates standing for election in lieu of cash deposit. Provided that Form No. 1 of Annexure E of the Savings Bank Rules (printed as Appendix D) is signed by them authorising the Returning Officer to treat the same as deposit in the former case, and the bonds are endorsed in favour of the Comptroller in the case of the latter.

(2) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer before the poll has commenced. A candidate who has withdrawn his candidature shall not be allowed to cancel such withdrawal.

(3) If a candidate by whom or on whose behalf the deposit referred to under sub-rule (1) has been made, withdraws his candidature in the manner specified under sub-rule (2) and before 3 P.M. of the next working day after the latest date on which applications for candidature have to be presented, or if his name is rejected by the Returning Officer, the deposit shall be returned to the person by whom it was made, and, if any candidate dies before the commencement of the poll, any such deposit,

if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made or to the legal representative of such person.

(4) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled or if a candidate withdraws his candidature after the time specified in sub-rule 3, the deposit shall be forfeited and credited to the Municipal Fund.

Explanation.—For the purpose of this sub-rule, the total number of votes polled shall be deemed to be the total number of voting papers, other than spoilt voting papers collected.

(5) The deposit made in respect of a candidate who is not elected, if it is not forfeited under sub-rule (4), and the deposit made in respect of a candidate who is elected, shall be returned to the candidate or to the person who has made the deposit on his behalf or to his legal representative, as the case may be, as soon as may be, after the publication of the result of the election in the *Mysore Gazette*, provided that, if a candidate has stood for election in more than two divisions, not more than two of the deposits made by him or on his behalf shall be returned in any case and the remainder shall be forfeited to the Municipal Fund.

By Order,

M. VENKATANARANAPPA,

Secretary to Government,

Development Department.

APPENDIX D.

[*Referred to in Rule* 10 (A).]

No..... *Dated*.....*193* .

To

The Officer in charge of the Treasury

at.....

SIR,

I have the honour to apprise you that I have authorised the Returning Officer of.....Minor Municipality to treat the sum of twenty-five rupees deposited by me in the Savings Bank at your treasury as security to the Municipality, on behalf of myself/A. B. I agree that the same will not be payable to me until I shall produce to you the express written sanction of the Returning Officer of..... Minor Municipality for payment of the same. I have also agreed not to object to the payment by you of the whole or part of this deposit to the Returning Officer of.....Minor Municipality, upon his claiming it, and not to make any claim for interest from the date on which interest has ceased to accrue owing to the payment of the principal to the Returning Officer of... .....Minor Municipality or from the date on which the Returning Officer of..... Minor Municipality, shall have revoked the authority to your treasury to pay me/A. B. the interest.

I have the honour to be,

Sir,

Your most obedient servant.

Place..... *Signature of Depositor*.....

Date..... *Designation of Depositor*.....

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 72.] PUBLISHED BY AUTHORITY. [No. 32.

BANGALORE, THURSDAY, AUGUST 12, 1937.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 571—R. T.—12-37-1, dated Bangalore, the 7—9th August 1937.

The following draft of a rule which the Government propose to make in virtue of the powers vested in them under Sections 5 and 33 of the Mysore Road Traffic and Taxes Regulation, VI of 1935, is hereby published for the information of persons likely to be affected thereby and notice is hereby given that any objections or suggestions received on or before the 31st August 1937 from any person in respect of the said draft will be considered by Government.

Draft Rule.

The following rule will be added as Rule 80A to rules regarding Public Service Motor Vehicles published with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 as amended from time to time :—

"Every motor bus plying for hire should be equipped with a First-aid box, containing essential requirements as approved by the Traffic Board and it shall be kept in a prominent and easily accessible place in the bus."

No. E. 615—*Edn.* 97-37-2, *dated Bangalore, the 7th August* 1937.

Government are pleased to make the following additions to Rule 52 of the Elementary Education Regulation and the Rules thereunder (page 44), issued with Government Notification No. E. 1246—Edn. 325-30-14, dated 29th September 1931:—

52. 2. It will be 2 (*a*) After 'admitted' in line 2, *add*, "As per (1) above."

52. 2 (*b*). *Add.*

"A pupil seeking admission without the production of a Leaving Certificate on the ground that he has been coached up privately, may be admitted by the Head Master to the class for which he is found fit, after due examination, provided that the parent or guardian certifies that the pupil has not attended any Primary School for a period of six months at least before the date of his seeking admission. Such admissions should immediately be reported to the School Board Assistant concerned and his approval obtained."

By Order,

M. VENKATESA IYENGAR,

Secretary to Government, General Department.

No. G. 962—*P. H.* 128-36-3, *dated Bangalore, 2nd—5th August* 1937.

Under Section 1 (2) of the Mysore Prevention of Adulteration Regulation, IX of 1921, as amended by Regulations IV of 1929 and IV of 1930, Government are pleased to extend the provisions of the said Regulation to the Nanjangud Town in respect of milk (Cow's and buffalo's), butter and ghee.

No. G. 965—P. H. 128-36-4, dated Bangalore, 2nd—5th August 1937.

Under Section 20 of the Mysore Prevention of Adulteration Regulation, IX of 1921, as amended by Regulations IV of 1929 and IV of 1930, Government propose to make the Rules issued in Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 (annexed hereto) applicable to the Nanjangud Municipality. Any objections to this proposal, if made in writing and received on or before 1st September 1937, will be duly considered.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

Rules under the Mysore Prevention of Adulteration Regulation.

1. In these rules, "Regulation" means the Mysore Prevention of Adulteration Regulation, IX of 1921.

"Section" means section of the above Regulation.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the diploma of Public Health. No legal proceedings under the Regulation shall be instituted without the permission in writing of the President or the Commissioner as the case may be.

Section 20 (*b*).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (*c*).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (*d*).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (*e*).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows :—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Regulation, until the contrary be

proved, that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the sample is not genuine, by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—(8) Where a sample of milk, separated or skimmed milk, deposits, on

standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Regulation, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (*f*).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (*g*).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black

type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (*h*).—

9. (1) Any person taking a sample of milk for the purposes of this Regulation may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

Printed by the Superintendent at the Government Press, Bangalore.

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No. T. 740—R. T. 38-36-30, dated Bangalore, the 18th August 1937.

The following draft proviso to sub-rule vii of Rule 25 of the Motor Vehicles Tax Rules published with Notification No. P. 3897—Legis. 46-35, dated 16th December 1935, which the Government propose to make in virtue of the powers conferred on them under Section 33 of the Mysore Road Traffic and Taxes Regulation VI of 1935 is hereby published for the information of persons likely to be affected thereby and notice is hereby given that any objections or suggestions from any person in respect of the said draft received on or before the 31st August 1937 will be considered by Government.

DRAFT PROVISO.

"Provided that the licensees shall maintain a register in the form appended showing from day to day particulars of the vehicles that were received by them and kept in the premises of their respective firms for sale, repairs or other purposes recognised by the rules and also containing information as to how and when such vehicles were disposed of or left the premises of the licensees."

By Order,
M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

FORM No. 5.

Register to be Maintained by Dealers of Motor Vehicles.

Register No. of the vehicle if it has got one	Date when it came into the licensees possession	Purpose for which it was received	The place where it is kept	Date when the vehicle left the premises of the licensee, and why?	The condition of the vehicle when it left the licensee's premises	Remarks

No. T. 746—R. T. 10-37-2, dated Bangalore, the 18th August 1937.

In exercise of the powers conferred on them by Section 8 of the Mysore Road Traffic and Taxes Regulation VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the following note shall be added to sub-rule (vi) of Rule 9 of the Mysore Motor Vehicles Rules, Part I, issued with Notification No. P. 3812—Legis. 46-35, dated 11th December 1935 :—

Note.—A certificate of weighment issued by the Mysore Railways, the Madras and Southern Mahratta Railway, the Mysore Sugar Factory and Kolar Gold Fields Mines in respect of the unladen weight of a motor vehicle after weighment at the respective weigh-bridges in the presence of a Police Officer not below the rank of Sub-Inspector of Police shall be considered a satisfactory proof of the unladen weight of the vehicle.

No. T. 778—R. T. 83-36-5, dated Bangalore, the 24th August 1937.

SUBJECT :—*Enquiry into Accidents.*

In virtue of the powers vested in them under Sections 5, 6 and 33 of the Mysore Road Traffic and Taxes Regulation, No. VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following rules regarding enquiries into accidents by the Traffic Board, the draft rules in the said behalf having been published with Notification No. T. 341—R. T. 83-36-3, dated 26th July 1937, in page 154 of Part IV of the *Mysore Gazette*, dated the 29th July 1937 :—

RULES.

1. In all cases of accidents arising out of the presence of a motor vehicle on a public road which involves loss of human life or grievous injury to one or more persons, the Police Officer in whose jurisdiction the accident occurs shall send immediately a brief report to the Secretary of the Traffic Board and to the Inspector-

General of Police containing particulars regarding the details of accident as provided for in para 3 below.—

2. The report referred to in rule (1) above shall, in the case of accidents involving death of persons, be by telegraph. This telegraph shall be very brief and shall give only the most important details regarding the nature of the accident and further detailed written report shall be sent by post with all despatch. In other cases, report by post shall be sent without any delay.

3. The written report referred to above shall give full particulars regarding the place of the accident, the nature of the accident, the cause of the accident and the damage or injury caused as far as can be ascertained.

4. The Inspector-General of Police, shall, in cases of all accidents connected with motor vehicles, send a full report on the completion of enquiries. On receipt of information referred to in rule 3 above, the Chairman of the Traffic Board may, in those cases in which he considers it necessary, depute any officer or Member of the Traffic Board or any other officer to hold an enquiry into the accident and report to him. The officer thus deputed will have all powers conferred on a Police Officer under Chapter XIV of the Criminal Procedure Code. He shall also have powers to summon witnesses, to summon documents and examine the motor vehicles and other vehicles concerned in the accident. For the purpose of this examination, he may enter any premises at reasonable working hours.

The Police Officer in whose jurisdiction the accident has occurred shall render all reasonable facilities to the officer so deputed for conducting enquiries, etc. The report of the Officer thus appointed will be submitted to the Chairman. This enquiry does not affect or supersede any other enquiry, which, according to any other Regulation and Rules is to be held by Police, or any other authority.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 72.] PUBLISHED BY AUTHORITY. [No. 48.

BANGALORE, THURSDAY, DECEMBER 9, 1937.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 2792—L. C., dated Bangalore, 27th November 1937.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Extradition Bill is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

The Mysore Extradition Bill.

Whereas it is expedient to amend and consolidate the law relating to the extradition and rendition of criminals, It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (i) This Regulation may be called the Mysore Extradition Regulation, 1931.

(ii) It extends to the whole of Mysore; and

(iii) It shall come into force from such date as the Government may, by notification in the Official Gazette, direct.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "extradition offence" means any such offence as is described in the schedule;

(*b*) "offence" includes any act wheresoever committed which would, if committed in Mysore, constitute an offence;

(*c*) "rules" include prescribed forms;

(*d*) "fugitive criminal" means any person accused or convicted of an extradition offence committed outside Mysore who is in or is suspected of being in some part of Mysore; and

(*e*) "prescribed" means prescribed by rules made under this Regulation.

CHAPTER II.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF INDIAN STATES.

Application of Regulation.

3. Where an arrangement has been made with any State in India with respect to the surrender to such State of any fugitive criminals, the Government may, by notification in the Official Gazette, direct that this Regulation shall apply in the case of such State.

Every such notification shall recite or embody the terms of the arrangement, and shall not remain in force for any longer period than the arrangement.

4. Where this Regulation applies in the case of any State, every fugitive criminal of that State who is in or is suspected of being in any part of Mysore, shall be liable to be apprehended and surrendered in manner provided by this Regulation, whether the offence in respect of which the surrender is sought was committed before or after the date of the notification, and whether there is or is not any concurrent jurisdiction in any Court in Mysore over that offence. Apprehension of fugitives.

5. (1) Where a requisition is made to the Government by or on behalf of the Government of any State in India in the case of which this Regulation applies for the surrender of a fugitive criminal of such State, who is or is suspected of being in Mysore, the Government may if it thinks fit issue an order to any Magistrate who would have had jurisdiction to inquire into the offence if it had been an offence committed within the local limits of his jurisdiction directing him to inquire into the case. Requisition for surrender.

(2) The Magistrate so directed shall issue a summons or warrant for the arrest of the fugitive criminal according as the case appears to be one in which a summons or warrant would ordinarily issue. Summons or warrant for arrest.

(3) When such criminal appears or is brought before the Magistrate, the Magistrate shall inquire into the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by the Court of Session, and shall take such evidence as may be produced in support of the requisition and on behalf of the fugitive criminal, including any evidence to show that the offence of which such criminal is accused or alleged to have been convicted is an offence of a political character or is not an extradition offence. Inquiry by Magistrate.

(4) If the Magistrate is of opinion that a *prima facie* case is made out in support of the requisition, he may commit the fugitive criminal to prison to await the orders of the Government. Committal.

(5) If the Magistrate is of opinion that a *prima facie* case is not made out in support of the requisition, or if the case is one which is bailable under the provisions of the Code of Criminal Procedure for the time being in force, the Magistrate may release the fugitive criminal on bail. Bail.

(6) The Magistrate shall report the result of his inquiry to the Government, and shall forward, together with such report, any written statement which the fugitive Magistrate's report.

Proclamation and attachment in case of persons absconding.

(3) The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply where any warrant has been received by a District Magistrate under this section as if the warrant had been issued by himself.

Release on giving security.

9. (1) Where an endorsement has been made on any such warrant that the person for whose arrest it is issued may be released on executing a bond with sufficient sureties for his attendance before a person or authority indicated in this behalf in the warrant at a specified time and place, the Magistrate to whom the warrant is addressed shall on such security being given, release such person from custody.

Magistrate to retain bond.

(2) When security is taken under this section, the Magistrate shall certify the fact to the Government and shall retain the bond.

Re-arrest in case of default.

(3) If the person bound by any such bond does not appear at the time and place specified, the Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and handed over to any person authorised by the Government to take him into custody.

Deposit in lieu of bond and forfeiture of bonds.

(4) In the case of any bond executed under this section, the Magistrate may exercise the powers conferred by the Code of Criminal Procedure for the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties.

Requisition for surrender

10. Where a requisition is made to the Government by or on behalf of any Provincial Government in British India for the surrender of any person accused of having committed in British India an offence other than an extradition offence, such requisition shall (except in so far as it relates to the taking of evidence to show that the offence is of a political character or is not an extradition offence) be dealt with so far as may be in accordance with the procedure prescribed by Section 5.

Power to Magistrates to issue warrants of arrest in certain cases.

11. (1) If it appears to any Magistrate of the first class or any Magistrate empowered by the Government in this behalf that a person within the local limits of his jurisdiction is accused or suspected of having committed an offence in British India and that such person may lawfully be surrendered or that warrant may be issued for his arrest

criminal may desire to submit for the consideration of the Government.

Reference to High Court if Government thinks necessary.

(7) If the Government is of opinion that such report or written statement raises an important question of law, it may make an order referring such question of law to the High Court and the fugitive criminal shall not be surrendered until such question has been decided.

Warrant for surrender.

(8) If, upon receipt of such report and statement or upon the decision of any such question, the Government is of opinion that the fugitive criminal ought to be surrendered, it may issue a warrant for the custody and removal of such criminal and for his delivery at a place and to a person to be named in the warrant.

Lawfulness of custody and re-taking under warrant for surrender.

(9) It shall be lawful for any person to whom a warrant is directed in pursuance of sub-section (8) to receive, hold in custody and convey the persons mentioned in the warrant, to the place named in the warrant, and if, such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as aperson accused of an offence against the law of Mysore may be re-taken upon an escape.

Discharge of fugitive criminal committed to prison after two months.

(10) If such a warrant as is prescribed by sub-section (8) is not issued and executed in the case of any fugitive criminal who has been committed to prison under sub-section (4), within two months after such committal, the High Court may, upon application made to it on behalf of such fugitive criminal and upon proof that reasonable notice of the intention to make such application has been given to the Government, order such criminal to be discharged, unless sufficient cause is shown to the contrary.

Power to Magistrate to issue warrant of arrest in certain cases.

6. (1) Where it appears to any Magistrate of the first class or any Magistrate specially empowered by the Government in this behalf that a person within the local limits of his jurisdiction is a fugitive criminal of a State in India in the case of which this Regulation applies, he may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the offence of which he is accused or has been convicted had been committed within the local limits of his jurisdiction.

Issue of warrant to be reported forthwith.

(2) The Magistrate shall forthwith report the issue of a warrant under this section to the Government.

(3) A person arrested on a warrant issued under this section shall not be detained more than two months unless within that period the Magistrate receives an order made with reference to such person under sub-section (1) of Section 5.

Person arrested not to be detained unless order received.

(4) In the case of a person arrested or detained under this section, the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in Mysore the offence of which he is accused or has been convicted.

Bail.

7. The Government may at any time stay any proceedings taken under this Chapter and direct any warrant issued under this Chapter to be cancelled and the person for whose arrest such warrant has been issued to be discharged.

Power of Government to discharge any person in custody at any time.

CHAPTER III.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF BRITISH INDIA.

8. (1) Where an extradition offence has been committed or is supposed to have been committed by a person in British India and such person escapes into or is in Mysore, the Government may, on receipt of a requisition made by or on behalf of any Provincial Government in British India for the surrender of the said person direct the issue of a warrant addressed to the District Magistrate of any district in which such person is believed to be, for his arrest and delivery at a place and to a person or authority indicated in the warrant, and such Magistrate shall act in pursuance of such warrant and may give directions accordingly.

Issue of warrant by Government in certain cases.

(2) A warrant issued as mentioned in sub-section (1) shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants, and the accused person, when arrested, shall be produced before the District Magistrate who shall record any statement made by him; such accused person shall then, unless released in accordance with the provisions of the Regulation, be forwarded to the place and delivered to the person or authority indicated in the warrant.

Execution of such warrant.

Proclamation and attachment in case of persons absconding.

(3) The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply where any warrant has been received by a District Magistrate under this section as if the warrant had been issued by himself.

Release on giving security.

9. (1) Where an endorsement has been made on any such warrant that the person for whose arrest it is issued may be released on executing a bond with sufficient sureties for his attendance before a person or authority indicated in this behalf in the warrant at a specified time and place, the Magistrate to whom the warrant is addressed shall on such security being given, release such person from custody.

Magistrate to retain bond.

(2) When security is taken under this section, the Magistrate shall certify the fact to the Government and shall retain the bond.

Re-arrest in case of default.

(3) If the person bound by any such bond does not appear at the time and place specified, the Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and handed over to any person authorised by the Government to take him into custody.

Deposit in lieu of bond and forfeiture of bonds.

(4) In the case of any bond executed under this section, the Magistrate may exercise the powers conferred by the Code of Criminal Procedure for the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties.

Requisition for surrender

10. Where a requisition is made to the Government by or on behalf of any Provincial Government in British India for the surrender of any person accused of having committed in British India an offence other than an extradition offence, such requisition shall (except in so far as it relates to the taking of evidence to show that the offence is of a political character or is not an extradition offence) be dealt with so far as may be in accordance with the procedure prescribed by Section 5.

Power to Magistrates to issue warrants of arrest in certain cases.

11. (1) If it appears to any Magistrate of the first class or any Magistrate empowered by the Government in this behalf that a person within the local limits of his jurisdiction is accused or suspected of having committed an offence in British India and that such person may lawfully be surrendered or that warrant may be issued for his arrest

under Section 8, the Magistrate may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the offence had been committed within the local limits of his jurisdiction.

Issue of warrant to be reported forthwith.

(2) The Magistrate shall forthwith report to the Government through the District Magistrate the issue of a warrant under this section.

Limit of time of detention of person arrested.

(3) A person arrested on a warrant issued under this section shall not, without the special sanction of the Government, be detained more than two months, unless within such period the Magistrate receives an order made with reference to such person in accordance with the procedure prescribed by Section 10, or a warrant for the arrest of such person is issued under Section 8.

Bail.

(4) In the case of a person arrested or detained under this section, the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in Mysore the offence with which he is charged.

Surrender of person accused of, or undergoing sentence for offence in Mysore.

12. (1) A person accused of an offence committed in Mysore, not being the offence for which his surrender is asked or undergoing sentence under any conviction in Mysore shall not be surrendered except on the condition that such person be re-surrendered to the Government on the termination of his trial for the offence for which his surrender has been asked:

Provided that no such condition shall be deemed to prevent or postpone the execution of a sentence of death walfully passed.

Suspension of sentence on surrender.

(2) On the surrender of a person undergoing sentence under a conviction in Mysore, his sentence shall be deemed to be suspended until the date of his re-surrender, when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender.

Application of Chapter to convicted persons.

13. The provisions of this Chapter with reference to accused persons shall, with any necessary modifications, apply to the case of a person who, having been convicted of an offence in British India, has escaped into or is in Mysore before his sentence has expired.

Abetment and attempt.

14. Every person who is accused or convicted of abetting or attempting to commit any offence shall be deemed, for the purposes of this Chapter, to be accused or convicted of having committed such offence, and shall be liable to be arrested and surrendered accordingly.

Lawfulness of custody and retaking under warrant issued under Chapter.

15. It shall be lawful for any person to whom a warrant is directed in pursuance of the provisions of this Chapter to receive, hold in custody and convey to the place named in the warrant the person mentioned in the warrant; and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of Mysore, may be re-taken upon an escape.

Power of Government to stay proceedings and discharge person in custody.

16. The Government may, by order, stay any proceedings taken under Chapter, and may direct any warrant issued under this Chapter to be cancelled, and the person for whose arrest such warrant has been issued to be discharged.

Application of Chapter to offences committed before its commencement.

17. The provisions of this Chapter shall apply to an offence or to an extradition offence, as the case may be, committed before the passing of this Regulation, and to an offence in respect of which a Court of Mysore has concurrent jurisdiction.

CHAPTER IV.

MISCELLANEOUS.

Receipt in evidence of exhibits, depositions and other documents.

18. In any proceedings under this Regulation, exhibits and depositions (whether received or taken in the presence of the person against whom they are used or not) and copies thereof, and official certificates of facts and judicial documents stating facts, may, if authenticated in the prescribed manner, be received as evidence.

Evidence by commission.

19. The testimony of any witness may be obtained in relation to any criminal matter pending in any State in India in like manner as it may be obtained in any civil matter under the provisions of the Code of Civil Procedure for the time being in force with respect to commissions, and the provisions of that Code relating thereto shall be construed as if the term "suit" included criminal proceeding.

20. (1) The Government may make rules to carry out the purpose of this Regulation. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the removal of prisoners accused or in custody under this Regulation, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them;

(*b*) the seizure and disposition of any property which is the subject of, or required for proof of, any alleged offence to which this Regulation applies;

(*c*) the pursuit and arrest in Mysore, by officers of the Government or other persons authorised in this behalf, of persons accused of offences committed elsewhere;

(*d*) the manner of authenticating documents; and

(*e*) the procedure and practice to be observed in extradition proceedings.

(3) Rules made under this section shall be published in the Official Gazette and shall thereupon have effect as if enacted by this Regulation.

21. Notwithstanding anything in the Code of Criminal Procedure, 1904, any person arrested without an order from a Magistrate and without a warrant, in pursuance of the provisions of Section 54, clause *seventhly*, of the said Code, may, under the orders of a Magistrate within the local limits of whose jurisdiction such arrest was made be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under Section 11. Detention of persons arrested.

22. (1) On and from the date on which this Regulation comes into force, the Chief Commissioner's Notification No. III, dated 23rd July 1878, and Government Notification No. J. 219—Legis. 14-04-14, dated the 20th July 1907 shall be deemed to be repealed. Repeal.

(2) All orders made and acts done under any of the notifications hereby repealed in respect of requisitions received before coming into force of this Regulation shall have the same force and effect as if they had been made or done under this Regulation.

23. Nothing contained in this Regulation shall affect or be deemed to have affected the prerogative of His Highness the Maharaja to direct, independently of Prerogative of His Highness the Maharaja to direct extradition.

this Regulation, the extradition and surrender of any criminal found in Mysore.

Explanation.—In this section "criminal" includes a person accused or convicted in British India of an act which, whether or not constituting an offence if done in Mysore, constitutes an offence if done in British India.

THE SCHEDULE.

EXTRADITION OFFENCES.

(*The sections referred to are the sections of the Indian Penal Code.*)

Frauds upon creditors (Section 206).

Resistance to arrest (Section 224).

Offences relating to coin and stamps (Sections 230 to 263-A).

Culpable homicide (Sections 299 to 304).

Attempt to murder (Section 307).

Thugee (Sections 310 and 311).

Causing miscarriage and abandonment of child (Sections 312 to 317).

Causing hurt (Sections 323 to 333).

Wrongful confinement (Sections 347 and 348).

Kidnapping and slavery (Sections 360 to 373).

Rape and unnatural offences (Sections 375 to 377).

Theft, extortion, robbery, etc. (Sections 378 to 414).

Cheating (Sections 415 to 420).

Fraudulent deeds, etc. (Sections 421 to 424).

Mischief (Sections 425 to 440).

Lurking, house-trespass (Sections 443 and 444).

Forgery, using forged documents, etc. (Sections 463 to 477-A).

Desertion from the Army.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

Any offences against the laws relating to criminal tribes or against any section of the Indian Penal Code or against any other law which may, from time to time, be specified by the Government by notification in the Official Gazette either generally for British India and all States or specially for British India or for any one or more States.

Statement of Objects and Reasons.

For the extradition and surrender of fugitive criminals, Mysore has entered into reciprocal arrangements with some States, such as Hyderabad, Cochin, Puddukotah, Travancore, Sandur, Banganpalli, etc., but the procedure for giving effect to such arrangements rests mainly on executive action and has no statutory basis.

So far as the extradition of fugitive criminals to British India is concerned, the present procedure is the one prescribed by the Chief Commissioner's Notification No. 111, dated 23rd July 1878. According to it, whenever a warrant is issued by a British Indian Magistrate for the surrender of a fugitive criminal, it has to be acted upon by the Mysore Magistrate as if it were a warrant issued by himself and the fugitive surrendered. The offence for which a warrant can be issued under this notification need not be an offence under the law in Mysore; nor again need it necessarily be what is generally known as "an extradition offence."

Under the Indian Extradition Act of 1903, extradition is allowed only in respect of some few offences specified in the Schedule to the Act. According to it, a requisition has to be made to the British Resident together with the particulars of the offence, the whereabouts of the accused and the records of the criminal enquiry held by the Mysore Magistrate making a *prima facie* case against the accused. The Resident, after satisfying himself that a *prima facie* case has been made out, issues a warrant for the arrest of the accused. The Resident also satisfies himself that the surrendered accused receives a fair trial and the punishment is not excessive or barbarous.

Though the intention when the Chief Commissioner's Notification of 1878 was issued appears to have been to limit its operation to extradition offences, in practice, all offences and even offences of a purely fiscal nature such as failure to pay taxes due on a motor vehicle, offences more or less of a civil nature such as defamation and acts which have been penalised and which could not have been contemplated as offences when the Chief Commissioner's Notification was issued, have, in course of time, been brought under it.

The general principle underlying extradition between States is that each State should surrender in response to

the demands of others, all persons charged with crimes which are recognised by the general conscience of civilised nations as grave offences.

The existing law and procedure in respect of the surrender of fugitive criminals to British India have been examined in detail in the judgment of the Full Bench of the High Court of Mysore in Criminal Revision Petition No. 192 of 1932-33. In that case, it has been held that the Chief Commissioner's Notification of 1878 has the force of law in Mysore, but that the British Indian Magistrate was not legally competent to issue a warrant for execution outside the limits of British India, and that his warrant for execution in Mysore was illegal and without jurisdiction. In the case under reference, the offence was not one classed as extraditable under the law in force in British India, but the grounds for the decision about the illegality of the British Indian Magistrate's warrant seems to be of general application. In view of this decision, it appears that doubts are liable to be raised in regard to the surrender of fugitive criminals under the Chief Commissioner's Notification even in extradition cases.

It has therefore been considered desirable and necessary to place on a statutory basis the procedure adopted for the surrender and extradition of criminals from Mysore to other States and British India. This Bill is intended to give effect to this and also to remove the anomalies and inconveniences existing in the present procedure.

The Bill is modelled on the lines of the Indian Extradition Act, XV of 1903, and deals with extradition between—

1. Mysore and British India, and
2. Mysore and other States in India.

The Bill provides mainly for extradition in respect of offences which are known as extradition offences. These are enumerated in the Schedule which follows closely the Indian Act.

Chapter II deals with the surrender of criminals in the case of the States in India. The provisions will apply only in the case of such States between which and Mysore, there are arrangements for extradition. For the application of the Regulation, the Government

will have to issue a notification in this behalf reciting the terms of the arrangement.

The main features of the procedure for extradition in such cases are :—

(*a*) a requisition has to be made by the State asking for the extradition of a fugitive ;

(*b*) Government have to direct an enquiry by a Magistrate ;

(*c*) the Magistrate has to issue process, hold an enquiry and find out whether a *prima facie* case is made out ;

(*d*) the Magistrate after enquiry has to make a report ;

(*e*) the Government may then issue a warrant for the surrender of the fugitive criminal.

Chapter III deals with surrender of criminals in the case of British India and the procedure prescribed herein follows closely the procedure under the Indian Act for extradition of fugitive criminals from British India to Mysore. In view of the existing arrangements between Mysore and British India, the enquiry by a magistrate contemplated in Part II is dispensed with in the case of extradition offences which are enumerated in the Schedule. The Government may on receipt of a requisition therefor and on being satisfied that a *prima facie* case has been committed, direct the issue of a warrant to the District Magistrate of the District concerned for the arrest of the fugitive criminal. The District Magistrate will have to arrest such person and release him on bail if so directed by the warrant, or deliver him to the person or authority indicated in the warrant.

Provision is also made for extradition to British India in respect of offences other than extradition offences. Requisitions in such cases will be dealt with in accordance with the procedure prescribed in Chapter II. After enquiry by a Magistrate, the Government may permit extradition in respect of such offences also.

Local Magistrates are empowered to arrest persons who are accused or suspected of having committed an extradition offence in British India or the State to which this Regulation applies pending the receipt of a requisition or the issue of a warrant for his arrest by the Government. Provision is made for the resurrender of persons undergoing sentence for offences in Mysore. The prerogative

right of His Highness to direct the extradition of any criminal in Mysore will not be affected and this will enable the performance of obligations under Article 15 of the Mysore Treaty.

The Bill had been introduced into the Legislative Council in June 1934 and had been referred to a Select Committee. The Report of the Select Committee was considered by the Legislative Council in December 1934 and the Bill as amended by the Select Committee was adopted by the Council. The passing of the Bill was, however, postponed to a subsequent meeting. But no further motion was made in the Legislative Council in respect of the Bill since December 1934. It has now become necessary to reintroduce it in the Council. The Bill now published is in accordance with the recommendation of the Select Committee. A slight addition to Clause 23 has also been made so as to make the provision clear.

No. 2794—L. C., dated Bangalore, 29th November 1937.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Code of Civil Procedure, 1911, for certain purposes is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

A Bill further to amend the Code of Civil Procedure, 1911, for certain purposes.

Whereas it is expedient further to amend the Code of Civil Procedure, 1911, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Regulation may be called the Code (Short title) of Civil Procedure Amendment Regulation, 193

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 72.] PUBLISHED BY AUTHORITY. [No. 49.

BANGALORE, THURSDAY, DECEMBER 16, 1937.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1842—R. T. 10-37-8, dated Bangalore, the 11th December 1937.

The following draft of a rule which the Government propose to make in virtue of the powers vested in them, under Section 11 of the Mysore Motor Vehicles Regulation, 1928, and Section 33 of the Mysore Road Traffic and Taxes Regulation, is hereby published for the information of the persons likely to be affected thereby and notice is hereby given that any suggestion or objection received in respect of the said draft on or before the 30th December 1937 will be considered by Government.

DRAFT AMENDMENT.

The following will be added as provisos to Rule 15 (c) of the rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35-17, dated 18th December 1935, and amended from time to time:—

Proviso to Rule 15 (c) of the said rules:—

Children under the age of three years shall not be counted as passengers and shall be carried free and children under the age of twelve years shall be considered as half passengers and charged half fare only.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

No. L. 5316—*Ml.* 74-37-17, *dated Bangalore, the 14th December* 1937.

Under sub-section (4) of Section 228 of the Mysore City Municipalities Regulation, 1933, the following draft of the rules which the Government propose to make under Section 23 (2) (b) of the said Regulation, amending the existing rules regulating the election of the President and Vice-President of a City Municipal Council issued under Government Order No. L. 3957—Ml. 56-24-14, dated 26th November 1924, is published for general information. Any objections or suggestions may be sent for consideration before 31st December 1937 :—

Add the following as sub-rule (d) to Rule 1, the present sub-rule (d) being re-numbered as (e) :—

1. "(*d*) When an elected President or Vice-President vacates Office on the expiry of the term limited to one year under proviso to Section 23 (12), at a meeting of the Council held not later than one month from the date of occurrence of the vacancy."

2. In the proviso to Rule (1), omit the words "during the said period of one or two months as the case may be."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

No. 2824—*L. C., Bangalore dated 9th December* 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Limitation Regulation, 1911, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill further to amend the Mysore Limitation Regulation, 1911.

Whereas it is expedient further to amend the Mysore Limitation Regulation, 1911; it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Limitation (Amendment) Regulation, 193 . Short title and commencement.

(2) It shall come into force on the first day of

2. In section 5 of the Mysore Limitation Regulation, 1911 (hereinafter referred to as the said Regulation), for the words "by any enactment or rule" the words "by or under any enactment" shall be substituted. Amendment of Section 5.

3. In section 10 of the said Regulation, the following paragraph shall be inserted, namely:— Amendment of section 10.

"For the purposes of this section any property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment shall be deemed to be property vested in trust for a specific purpose and the manager of any such property shall be deemed to be the trustee thereof."

4. For section 29 of the said Regulation, the following shall be substituted, namely:— Amendment of Section 29.

"29 (1) Nothing in this Regulation shall affect section 25 of the Indian Contract Act, 1872, as in force in Mysore;

(2) where any special or local law prescribes for any suit, appeal or application a period of limitation

different from the period prescribed therefor by the First Schedule, the provisions of section 3 shall apply, as if such period were prescribed therefor in that schedule, and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law,

(*a*) the provisions contained in section 4, sections 9 to 18, and section 22 shall apply only in so far as and to the extent to which, they are not expressly excluded by such special or local law; and

(*b*) the remaining provisions of this Regulation shall not apply."

Addition of Articles 48-A and 48-B.

5. In the first division of the First Schedule to the said Regulation, after Article 48, the following articles shall be inserted, namely :—

48-A. To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depository or pawnee for a valuable consideration.	Three years	When the sale becomes known to the plaintiff.
48-B. To set aside sale of movable property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment, made by a manager thereof for a valuable consideration.	Three years	When the sale becomes known to the plaintiff.

Amendment of Art. 132.

6. To Article 132 in the First Division of the First Schedule to the said Regulation, the following explanation shall be added, namely :—

"*Explanation.*—Advances secured by mortgage by deposit of title deeds shall, for the purposes of this article, be deemed to be money charged upon immovable property."

Amendment of First Schedule.

7. In the First Division of the First Schedule to the said Regulation :—

(*a*) Article 133 shall be omitted.

(*b*) In Article 134, in the third column, for the words "The date of the transfer" the words "when the transfer becomes known to the plaintiff" shall be substituted; and

(c) After Article 134, the following articles shall be inserted, namely :—

134-A.	To set aside a transfer of immovable property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment made by a manager thereof for a valuable consideration.	Twelve years.	When the transfer becomes known to the plaintiff.
134-B.	By the manager of a Hindu, Mahomedan or Buddhist religious or charitable endowment, to recover possession of immovable property comprised in the endowment which has been transferred by a previous manager for a valuable consideration.	Twelve years	The death, resignation or removal of the transferor
134-C.	By the manager of a Hindu, Mahomedan or Buddhist religious or charitable endowment to recover possession of movable property comprised in the endowment which has been sold by a previous manager for a valuable consideration.	Twelve years	The death, resignation or removal of the seller.

Amendment of Art. 158.

8. In the Third Division of the First Schedule to the said Regulation, in Article 158 in the third column, for the words "when the award is submitted to the court," the words "when the award is filed in court and notice of the filing has been given to the parties" shall be substituted.

Amendment of Art. 166.

9. In the Third Division of the First Schedule to the said Regulation in Article 166 in the first column, the words "or fraud" shall be inserted after the word "irregularity."

Amendment of Arts. 176, 177 and 178.

10. In the Third Division of the First Schedule of the said Regulation, (a) in Articles 176 and 177 in the second column for the word "ditto" appearing against each article the words "Ninety days" shall be substituted; and (b) in Article 178 in the second column for the word "Ditto" the words "six months" shall be substituted.

Statement of Objects and Reasons.

In the judgment of the High Court in Motiram Lala *vs.* Deputy Commissioner and Muzrai Officer, Mysore

District (40 Mys. H. C. R. 330), it was suggested that section 29 of the Limitation Regulation may be amended as in British India so as to make most of the exceptions and qualifications to section 3 of the Limitation Regulation apply not only to the periods of limitation prescribed by that Regulation but to periods of limitation prescribed by other Regulations. Before the amendment in British India in 1922, section 29 was the same as here. It provided that nothing in the Limitation Act shall affect or alter any period of limitation specially prescribed for any suit, appeal or applications by any special or local law. The interpretation of this provision was the subject of conflicting decisions by High Courts, some holding that the application of the general provisions of Limitation Act would be to affect the period of limitation prescribed under the special law and others holding a contrary view. To remove this conflict, section 29 of the British Indian Act was amended by Act X of 1922. As suggested by the High Court in the judgment cited above, it is proposed to amend section 29 of the Mysore Regulation as in British India (*Vide* clause 4). While amending section 29 opportunity is taken to bring the Mysore Regulation into line with the Act in British India so far as it is suitable.

The chief of such amendments are explained below:—

Clause 2.—The change is verbal and better expresses the intention of the section.

Clause 3.—Recent decisions of courts have taken the view that whenever property is conveyed to a religious or charitable institution, it is not held by the manager thereof as trustee. He holds it only as manager and the property does not vest in him in trust, with the result that suits against him in respect of the property of the endowments of this nature are not governed by section 10 of the Limitation Regulation. Section 10 is therefore amended so as to put property of Hindu and Mahomedan religious endowments on the same footing as other trust property which definitely vest in a trustee.

Clause 5.—The provisions of Article 133 are enacted as Article 48-A with the period of limitation curtailed to three years. Specific provision is made by Article 48-B for the case of a suit to set aside sales of movable property comprised in a religious or charitable endowment where the plaintiff is merely interested in the endowment as a

beneficiary, but is not entitled to possession. The date when the plaintiff obtains knowledge of the sale he seeks to attack is the most suitable date from which limitation should run. If limitation runs from the date of purchase or even from the date of delivery of possession, a dishonest trustee and a collusive transferee might conceal the fact until the period of limitation expires. With this change it is considered that a period of three years in the case of movable property is quite sufficient.

Clause 6.—As it is not definite what period of limitation should govern a suit to recover money due on a mortgage by the deposit of title deeds, provision is now made therefor by fixing a period of 12 years in such cases.

Clause 7.—The notes to clause 5 explain the reason for deleting Article 133 which is enacted as Article 48-A. As the manager of a religious or charitable institution is not a trustee, Articles 133 and 134 as they stand would not be applicable to such institutions. This would also be in consonance with Order XXI, Rule 90 of C. P. C. in which an application to set aside a sale on the ground of fraud is placed on the same footing as an application to set aside a sale on the ground of material irregularity. It is proposed to bring religious or charitable endowments within the scope of the principle of Articles 133 and 134. Suits by persons interested in the endowment to set aside alienations made by the manager are provided for in Article 48-B in respect of movable property, and in Article 134-A for immovable property. In the case of suits by the manager himself attacking transfers made by a predecessor for valuable consideration and claiming to recover the property, provision is made by special Articles 134-B and 134-C. For reasons stated in the notes to clause 5, the starting point in Articles 134 and 134-A is proposed to be taken as the date of the plaintiff's knowledge of the transfer. It is also proposed to take as the starting point for Articles 134-B and 134-C the death, resignation or removal of the transferring manager. The period of limitation of 12 years which is normal in all similar cases is adopted for Articles 134-A, 145-B and 134-C.

Clause 8.—Reading Article 158 along with paragraph 10, Second Schedule, C. P. C., it is desirable to make it definite that time will run from the day on which the parties receive notice that the award has been filed in court.

Clause 9.—In interpreting this article, decisions are not uniform whether fraud in publishing or conducting a sale would come within the scope of this article or not. It is proposed to make it clear that an application to set aside a sale on the ground of fraud in publishing or conducting a sale is governed by Article 166.

Clause 10.—The time now allowed to bring the legal representative of a deceased party on record is six months. This is considered too long and it is proposed to reduce it to ninety days. This will help in reducing the delay in the disposal of suits. The reduction will not affect parties who are diligent. The apprehension that the change will prove a hardship to parties who will find it difficult to ascertain the address of the legal representatives, has no force. What is required is that an application mentioning the legal representative should be filed in court. Delay in the service of summons owing to difficulty in ascertaining the address is sufficiently protected under the Civil Procedure Code.

No. 2825—L. C., Bangalore dated 9th December 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Transfer of Property Regulation for certain purposes is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to amend the Transfer of Property Regulation for certain purposes.

Short title and commencement.

Whereas it is expedient to amend the Transfer of Property Regulation, 1918, for the purposes hereinafter appearing; it is hereby enacted as follows:—

1. (1) This Regulation may be called the Transfer of Property (Amendment) Regulation, 193 .

(2) It shall come into force on the first day of .....

2. In section 3 of the Transfer of Property Regulation (hereinafter referred to as the said Regulation), for the last paragraph containing the definition of "notice," the following shall be substituted, namely :— Amendment of section 3.

"a person is said to have notice" of a fact when he actually knows that fact, or when, but for wilful abstention from an inquiry or search which he ought to have made, or gross negligence, he would have known it.

Explanation I.—Where any transaction relating to immovable property is required by law to be and has been effected by a registered instrument, any person acquiring such property or any part of or share or interest in, such property shall be deemed to have notice of such instrument as from the date of registration or, if the instrument has been registered under sub-section (2) of section 30 of the Mysore Registration Regulation, 1903, from the earliest date on which a memorandum there of has been filed by any Sub-Registrar under section 66 of that Regulation:

Provided that—

(1) the instrument has been registered and its registration completed in the manner prescribed by the Mysore Registration Regulation, 1903, and the rules made thereunder,

(2) the instrument has been duly entered or filed, as the case may be, in the books kept under section 51 of that Regulation, and

(3) the particulars regarding the transaction to which the instrument relates have been correctly entered in the indexes kept under section 55 of that Regulation.

Explanation II.—Any person acquiring any immovable property or any share or interest in any such property shall be deemed to have notice of the title, if any, of any person who is for the time being in actual possession thereof.

Explanation III.—A person shall be deemed to have had notice of any fact if his agent acquires notice thereof whilst acting on his behalf in the course of business to which that fact is material:

Provided that, if the agent fraudulently conceals the fact, the principal shall not be charged with notice

thereof as against any person who was a party to or otherwise cognizant of the fraud."

Amendment of section 5.

3. In section 5 of the said Regulation, after the words "*or to himself*" the words "*or to himself*" shall be inserted; and to the same section the following paragraph shall be added, namely:

"In this section 'living person' includes a company or association or body of individuals, whether incorporated or not, but nothing herein contained shall affect any law for the time being in force relating to transfer of property to or by companies, associations or bodies of individuals."

Amendment of section 6.

4. In section 6 of the said Regulation, after clause (*d*) the following clause shall be inserted, namely:—

"(dd) A right to future maintenance, in whatsoever manner arising, secured or determined, cannot be transferred."

Amendment of section 11.

5. For the second paragraph of section 11 of the said Regulation beginning with the words "nothing in this section" and ending with the words "in a particular manner" the following shall be substituted, namely:—

"Where any such direction has been made in respect of one piece of immovable property for the purpose of securing the beneficial enjoyment of another piece of such property, nothing in this section shall be deemed to affect any right which the transferor may have to enforce such direction or any remedy which he may have in respect of a breach thereof."

Amendment of section 15.

6. In section 15 of the said Regulation, for the words "as regards the whole class," the following words shall be substituted, namely:—

"in regard to those persons only and not in regard to the whole class."

Substitution of new sections for sections 16, 17 and 18.

7. For sections 16, 17 and 18 of the said Regulation, the following sections shall be substituted, namely:—

Transfer to take effect on failure of prior interest.

"16. Where by reason of any of the rules contained in sections 13 and 14, an interest created for the benefit of a person or of a class of persons fails in regard to such person or the whole of such class, any interest created in the same transaction and intended to take effect after or upon failure of such prior interest also fails.

"17. (1) Where the terms of a transfer of property direct that the income arising from the property shall be accumulated either wholly or in part during a period longer than— Direction for accumulation.

(a) the life of the transferor, or

(b) a period of eighteen years from the date of the transfer,

such direction shall, save as hereinafter provided, be void to the extent to which the period during which the accumulation is directed exceeds the longer of the aforesaid periods, and at the end of such last-mentioned period the property and the income thereof shall be disposed of as if the period during which the accumulation has been directed to be made had elapsed.

(2) This section shall not affect any direction for accumulation for the purpose of—

(i) the payment of the debts of the transferor or any other person taking any interest under the transfer, or

(ii) the provision of portions for children or remoter issue of the transferor or of any other person taking any interest under the transfer, or

(iii) the preservation or maintenance of the property transferred;

and such direction may be made accordingly.

"18. The restrictions in sections 14, 16 and 17 shall not apply in the case of a transfer of property for the benefit of the public in the advancement of religion, knowledge, commerce, health, safety, or any other object beneficial to mankind." Transfer in perpetuity for benefit of public.

8. In section 39 of the said Regulation— Amendment of section 39.

(a) the words "with the intention of defeating such right" shall be omitted, and for the words "of such intention" the word "thereof" shall be substituted; and

(b) the *illustration* shall be omitted.

9. In section 40 of the said Regulation for the words "of the latter property or to compel its enjoyment in a particular manner," the words "in a particular manner of the latter property" shall be substituted. Amendment of section 40.

Amendment of section 43.

10. In section 43 of the said Regulation, after the word "person" the words "fraudulently or" shall be inserted.

Amendment of section 52.

11. (1) In section 52 of the said Regulation—

(*a*) for the words "active prosecution" the word "pendency" shall be substituted;

(*b*) for the words "a contentious" the word "any" shall be substituted; and

(*c*) after the words "suit or proceeding," where they occur for the first time, the words "which is not collusive and" shall be inserted.

(2) To the same section the following *Explanation* shall be added, namely :—

"*Explanation.*—For the purposes of this section, the pendency of a suit or proceeding shall be deemed to commence from the date of the presentation of the plaint or the institution of the proceeding in a Court of competent jurisdiction, and to continue until the suit or proceeding has been disposed of by a final decree or order and complete satisfaction or discharge of such decree or order has been obtained, or has become unobtainable by reason of the expiration of any period of limitation prescribed for the execution thereof by any law for the time being in force."

Substitution of new section for section 53.

12. For section 53 of the said Regulation, the following section shall be substituted, namely :—

Fraudulent transfer.

"53. (1) Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be voidable at the option of any creditor so defeated or delayed.

Nothing in this sub-section shall impair the rights of a transferee in good faith and for consideration.

Nothing in this sub-section shall affect any law for the time being in force relating to insolvency.

A suit instituted by a creditor (which term includes a decree-holder whether he has or has not applied for execution of his decree) to avoid a transfer on the ground that it has been made with intent to defeat or delay the creditors of the transferor, shall be instituted on behalf of, or for the benefit of, all the creditors.

(2) Every transfer of immovable property made without consideration with intent to defraud a subsequent transferee shall be voidable at the option of such transferee.

For the purposes of this sub-section, no transfer made without consideration shall be deemed to have been made with intent to defraud by reason only that a subsequent transfer for consideration was made."

13. After section 53 of the said Regulation, the following section shall be inserted, namely :— Insertion of new section 53-A.

"53-A. Where any person contracts to transfer for consideration any immovable property by writing signed by him or on his behalf from which the terms necessary to constitute the transfer can be ascertained with reasonable certainty, Part Performance.

and the transferee has, in part performance of the contract, taken possession of the property or any part thereof, or the transferee being already in possession, continues in possession in part performance of the contract and has done some act in furtherance of the contract,

and the transferee has performed or is willing to perform his part of the contract,

then, notwithstanding that the contract, though required to be registered, has not been registered, or, where there is an instrument of transfer, that the transfer has not been completed in the manner prescribed therefor by the law for the time being in force, the transferor or any person claiming under him shall be debarred from enforcing against the transferee and persons claiming under him any right in respect of the property of which the transferee has taken or continued in possession, other than a right expressly provided by the terms of the contract;

Provided that nothing in this section shall affect the rights of a transferee for consideration who has no notice of the contract or of the part performance thereof."

14. In section 55 of the said Regulation— Amendment of section 55.

(*a*) in sub-clause (a) of clause (1), after the word "property" the words "or in the seller's title thereto" shall be inserted;

(*b*) in sub-clause (b) of clause (4), after the word "buyer," where it occurs for the second time, the words "any transferee without consideration or any transferee with notice of the non-payment," shall be inserted; and after the words "on such amount or part" the words "from the date on which possession has been delivered" shall be added; and

(c) in sub-clause (b) of clause (6), the words "with notice of the payment" shall be omitted.

Substitution of new section for section 56.

15. For section 56 of the said Regulation, the following shall be substituted, namely :—

Marshalling by subsequent purchaser.

"56. If the owner of two or more properties mortgages them to one person and then sells one or more of the properties to another person, the buyer is, in the absence of a contract to the contrary, entitled to have the mortgage-debt satisfied out of the property or properties not sold to him, so far as the same will extend, but not so far as to prejudice the rights of the mortgagee or persons claiming under him or of any other person who has for consideration acquired an interest in any of the properties."

Amendment of section 58.

16. In section 58 of the said Regulation, (a) to clause (c) the following proviso shall be added, namely :—

"Provided that no such transaction shall be deemed to be a mortgage, unless the condition is embodied in the document which effects or purports to effect the sale;"

(b) in clause (d)—

(i) after the words "Where the mortgagor delivers possession" the words "or expressly or by implication binds himself to deliver possession" shall be inserted;

(ii) for the words "and to appropriate them" the words "or any part of such rents and profits and to appropriate the same" shall be substituted; and

(iii) after the words "or partly in lieu of interest," for the word "and" the word "or" shall be substituted; and

(c) after clause (e) the following clauses shall be added, namely :—

"(f) The transaction is called a mortgage by deposit of title deeds where a person, in any area to which this provision may be extended by the Government by notification in the Official Gazette, delivers to a Bank or its authorized agent documents of title relating to immovable property with intent to create a security thereon and accompanied by a memorandum in writing signed by the debtor specifying such property and the amount of credit given or agreed to be given by the Bank on the security

of such property, provided that a copy of such memorandum under the seal of the Bank and the signature of its authorised agent is delivered or transmitted by registered post within ten days of the delivery to the bank as aforesaid of the memorandum, to every registering officer within whose district or sub-district the whole or any portion of such property is situated, or where a special registering officer is appointed or designated by Government in this behalf, to such registering officer and such registering officer shall thereupon file the copy in his Book No. 1.

Explanation.—"Bank" in this clause means an association or company with limited liability formed principally for the purpose of engaging on the business of banking and registered under the provisions of the law relating to companies for the time being in force in Mysore or in British India or in any other Indian State which may be notified by the Government in the Official Gazette in this behalf.

(*g*) A mortgage which is not a simple mortgage, a mortgage by conditional sale, an usufructuary mortgage, an English mortgage or a mortgage by deposit of title-deeds within the meaning of this section is called an anomalous mortgage."

Amendment of section 59.

17. In section 59 of the said Regulation—

(*a*) after the words "a mortgage" the words "other than a mortgage by deposit of title deeds" shall be inserted and

(*b*) the second paragraph and the *Explanation* shall be omitted.

Insertion of new section 59-A.

18. After section 59 of the said Regulation, the following section shall be inserted, namely :—

References to mortgagors and mortgagees to include persons deriving title from them.

"59-A. Unless otherwise expressly provided, reference in this Chapter to mortgagors and mortgagees shall be deemed to include references to persons deriving title from them respectively."

Amendment of section 60.

19. In section 60 of the said Regulation,

(*a*) for the word "payable" the word "due" shall be substituted;

(*b*) for the words "the mortgage-deed, if any, to the mortgagor" the following words shall be substituted, namely :—

"to the mortgagor the mortgage-deed and all documents relating to the mortgaged property which are in the possession or power of the mortgagee;"

(*c*) for the word "order" the word "decree" shall be substituted; and

(*d*) after the words "remaining due on the mortgage, except" the word "only" shall be inserted.

Insertion of new sections 60-A and 60-B.

20. After section 60 of the said Regulation, the following sections shall be inserted, namely :—

Obligation to transfer to third party instead of re-transference to mortgagor.

"60-A. (1) Where a mortgagor is entitled to redemption, then, on the fulfilment of any conditions on the fulfilment of which he would be entitled to require a re-transfer, he may require the mortgagee, instead of re-transferring the property, to assign the mortgage-debt and transfer the mortgaged property to such third person as the mortgagor may direct; and the mortgagee shall be bound to assign and transfer accordingly.

(2) The rights conferred by this section belong to and may be enforced by the mortgagor or by any encumbrancer notwithstanding an intermediate encumbrance; but the requisition of any encumbrancer shall prevail over a requisition of the mortgagor and, as between encumbrancers the requisition of a prior encumbrancer shall prevail over that of a subsequent encumbrancer.

(3) The provisions of this section do not apply in the case of a mortgagee who is or has been in possession.

Right to inspection and production of documents.

60-B. A mortgagor, as long as his right of redemption subsists, shall be entitled at all reasonable times, at his request and at his own cost and on payment of the mortgagee's costs and expenses in this behalf, to inspect and make copies or abstracts of, or extracts from, documents of title relating to the mortgaged property which are in the custody or power of the mortgagee."

Substitution of new section for section 61.

21. For section 61 of the said Regulation the following section shall be substituted, namely :—

Right to redeem separately or simultaneously.

"61. A mortgagor who has executed two or more mortgages in favour of the same mortgagee shall, in the absence of a contract to the contrary when the principal money of any two or more of the mortgages has become due, be entitled to redeem any one such mortgage

separately, or any two or more of such mortgages together."

22. In section 62 of the said Regulation— Amendment of section 62.

(a) after the word "property," where it first occurs, the words "together with the mortgage deed and all documents relating to the mortgaged property which are in the possession or power of the mortgagee" shall be inserted;

(b) for the words "the interest of the principal money" the words "or any part thereof a part only of the mortgage money," shall be substituted; and

(c) for the words "the principal money," where they occur for the second time, the words "the mortgage-money or the balance thereof" shall be substituted.

23. In section 63 of the said Regulation, for the words "at the same rate of interest" the words "with interest at the same rate as is payable on the principal, or where no such rate is fixed, at the rate of nine per cent per annum" shall be substituted. Amendment of section 63.

24. After section 63 of the said Regulation, the following section shall be inserted, namely:— Insertion of new section 63-A.

"63-A. (1) Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage, been improved, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled to the improvement; and the mortgagor shall not, save only in cases provided for in sub-section (2), be liable to pay the cost thereof. Improvements to mortgaged property.

(2) Where any such improvement was effected at the cost of the mortgagee and was necessary to preserve the property from destruction or deterioration or was necessary to prevent the security from becoming insufficient, or was made in compliance with the lawful order of any public servant or public authority, the mortgagor shall, in the absence of a contract to the contrary, be liable to pay the proper cost thereof as an addition to the principal money with interest at the same rate as is payable on the principal, or where no such rate is fixed, at the rate of nine per cent per annum, and the profits, if any, accruing by reason of the improvement shall be credited to the mortgagor.

(3) Notwithstanding anything in sub-section (1) a mortgagee may remove at any time whilst he is in possession of the property mortgaged, but not afterwards, all

things which he has attached to the earth, provided he leaves the property in the state in which he received it."

Amendment of section 64.

25. In section 64 of the said Regulation, the words "for a term of years" shall be omitted.

Amendment of section 65.

26. In section 65 of the said Regulation—

(*a*) in clause (d), the words "for a term of years" shall be omitted; and

(*b*) the words "Nothing in clause (c), or in clause (d), so far as it relates to the payment of future rent, applies in the case of an usufructuary mortgage" shall be omitted.

Insertion of new section 65 A.

27. After section 65 of the said Regulation, the following section shall be inserted, namely:—

Mortgagor's power to lease.

65-A. (1) Subject to the provisions of sub-section (2) a mortgagor, while lawfully in possession of the mortgaged property, shall have power to make leases thereof which shall be binding on the mortgagee.

(2) (*a*) Every such lease shall be such as would be made in the ordinary course of management of the property concerned, and in accordance with any local law, custom or usage.

(*b*) Every such lease shall reserve the best rent that can reasonably be obtained, and no premium shall be paid or promised and no rent shall be payable in advance.

(*c*) No such lease shall contain a covenant for renewal.

(*d*) Every such lease shall take effect from a date not later than six months from the date on which it is made.

(*e*) In the case of a lease of buildings, whether leased with or without the land on which they stand, the duration of the lease shall in no case exceed three years and the lease shall contain a covenant for payment of the rent and a condition of re-entry on the rent not being paid within a time therein specified.

(3) The provisions of sub-section (1) apply only if and as far as a contrary intention is not expressed in the mortgage-deed; and the provisions of sub-section (2) may be varied or extended by the mortgage-deed, and as so varied and extended, shall, as far as may be, operate in like manner and with all like incidents, effects and consequences, as if such variations or extensions were contained in that sub-section."

28. In section 67 of the said Regulation,— Amendment of section 67.

(a) for the word "payable" the word "due" shall be substituted;

(b) for the words "an order," wherever they occur, the words "a decree" shall be substituted; and

(c) for clause (a) the following clause shall be substituted, namely :—

"(a) to authorize any mortgagee, other than a mortgagee by conditional sale or a mortgagee under an anomalous mortgage by the terms of which he is entitled to foreclose, to institute a suit for foreclosure, or an usufructuary mortgagee as such, where he is authorized to appropriate the rents and profits or any part of such grants and profits in payment of the principal money or partly in lieu of interest or partly in payment of the principal money, or a mortgagee by conditional sale as such to institute a suit for sale; or."

29. After section 67 of the said Regulation, the following section shall be inserted, namely :— Insertion of new section 67A.

"67A. A mortgagee who holds two or more mortgages executed by the same mortgagor in respect of each of which he has a right ro obtain the same kind of decree under section 67, and who sues to obtain such decree on any one of the mortgages, shall, in the absence of a contract to the contrary, be bound to sue on all the mortgages in respect of which the mortgage-money has become due." Mortgagee when bound to bring one suit on several mortgages.

30. For section 68 of the said Regulation, the following section shall be substituted, namely :— Substitution of new section for section 68.

"68. (1) The mortgagee has a right to sue for the mortgage money in the following cases and no others, namely :— Right to sue for mortgage money.

(a) where the mortgagor binds himself to repay the same;

(b) where, by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property is wholly or partially destroyed or the security is rendered insufficient within the meaning of section 66, and the mortgagee has given the mortgagor a reasonable opportunity of providing further security enough to render the whole security sufficient, and the mortgagor has failed to do so;

(c) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor;

(d) where, the mortgagee being entitled to possession of the mortgaged property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any person claiming under a title superior to that of the mortgagor;

Provided that, in the case, referred to in clause (a), a transferee from the mortgagor or from his legal representative shall not be liable to be sued for the mortgage-money.

(2) Where a suit is brought under clause (a) or clause (b) of sub-section (1), the Court may, at its discretion, stay the suit and all proceedings therein, notwithstanding any contract to the contrary, until the mortgagee has exhausted all his available remedies against the mortgaged property or what remains of it, unless the mortgagee abandons his security and, if necessary, retransfers the mortgaged property."

Amendment of section 71.

31. In section 71 of the said Regulation, the words "for a term of years" shall be omitted.

Amendment of section 72.

32. In section 72 of the said Regulation:—

(a) for the words "When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property, he" the words "A mortgagee" shall be substituted.

(b) clause (a) shall be omitted;

(c) in clause (b), for the words "its preservation" the words "the preservation of the mortgaged property" shall be substituted;

(d) after the words "nine per cent per annum," the following Proviso shall be inserted, namely:—

"Provided that the expenditure of money by the mortgagee under clause (b) or clause (c) shall not be deemed to be necessary unless the mortgagor has been called upon and has failed to take proper and timely steps to preserve the property or to support the title." and

(e) for the words "a charge on the mortgaged property, in addition to the principal money, with the same priority and with interst at the

same rate" the following shall be substituted, namely:—

"added to the principal money with interest at the same rate as is payable on the principal money, or, where no such rate is fixed, at the rate of nine per cent, per annum."

Substitution of new section for section 73.

33. For section 73 of the said Regulation, the following section shall be substituted, namely:—

"73. (1) Where the mortgaged property or any part thereof or any interest therein is sold owing to failure to pay arrears of revenue or other charges of a public nature or rent due in respect of such property, and such failure did not arise from any default of the mortgagee, the mortgagee shall be entitled to claim payment of the mortgage-money, in whole or in part, out of any surplus of the sale proceeds remaining after payment of the arrears and of all charges and deductions directed by law.

(2) Where the mortgaged property or any part thereof or any interest therein is acquired under the Land Acquisition Regulation, 1894, or any other enactment for the time being in force providing for the compulsory acquisition of immovable property, the mortgagee shall be entitled to claim payment of the mortgage-money, in whole or in part, out of the amount due to the mortgagor as compensation,

(3) Such claims shall prevail against all other claims except those of prior encumbrances, and may be enforced notwithstanding that the principal money on the mortgage has not become due."

Omission of sections 74 and 75.

34. Section 74 and section 75 of the said Regulation shall be omitted.

Amendment of section 76.

35. In section 76 of the said Regulation:—

(*a*) in clause (*c*), after the words "charges of a public nature" the words "and all rent" shall be inserted;

(*b*) in clause (*h*), after the words "deducting the expenses" the words "properly incurred for the management of the property and the collection of rents and profits and the other expenses" shall be inserted, and the words "on the principal-money" shall be omitted; and

(*c*) in clause (*i*), the word "gross" shall be omitted.

Omission of section 80.

36. Section 80 of the said Regulation shall be omitted.

Substitution of new section for section 81.

37. For sub-section (i) of section 81 of the said Regulation, the following section shall be substituted, namely:—

"81. (1) If the owner of two or more properties mortgages them to one person and then mortgages one or more of the properties to another person, the subsequent mortgagee is, in the absence of a contract to the contrary, entitled to have the prior mortgage-debt satisifed out of the property or properties not mortgaged to him, so far as the same will extend, but not so as to prejudice the rights of the prior mortgagee or of any other person who has for consideration acquired an interest in any of the properties."

Amendment of section 82.

38. In section 82 of the said Regulation:—

(*a*) for the first paragraph beginning with the words "Where several properties," and ending with the words "date of the mortgage" the following shall be substituted, namely:—

"Where property subject to a mortgage belongs to two or more persons having distinct and separate rights of ownership therein, the different shares in or parts of such property owned by such persons are, in the absence of a contract to the contrary, liable to contribute rateably to the debt secured by the mortgage, and, for the purpose of determining the rate at which each such share or part shall contribute, the value thereof shall be deemed to be its value at the date of the mortgage after deduction of the amount of any other mortgage or charge to which it may have been subject on that date" and

(*b*) in the third paragraph, for the word "second" the word "subsequent" shall be substituted.

Amendment of section 83.

39. In section 83 of the said Regulation:—

(*a*) for the words "has become payable" the words "payable in respect of any mortgage has become due" shall be substituted;

(*b*) for the words "if then in his possession or power" the words "and all documents in his possession or power relating to the mortgaged property" shall be substituted;

(*c*) after the word "mortgage-deed," where it occurs for the second time, the words "and all such other documents" shall be inserted; and

(*d*) the following paragraph shall be added after the words "such other person as aforesaid," namely:—

"Where the mortgagee is in possession of the mortgaged property, the Court shall, before paying to him the amount so deposited, direct him to deliver possession thereof to the mortgagor and at the cost of the mortgagor either to retransfer the mortgaged property to the mortgagor or to such third person as the mortgagor may direct or to execute and (where the mortgage has been effected by a registered instrument) have registered an acknowledgment in writing that any right in derogation of the mortgagor's interest transferred to the mortgagee has been extinguished."

Amendment of section 84.

40. In section 84 of the said Regulation:—

(*a*) after the words "from the date of the tender or" the words "in a case of a deposit, where no previous tender of such amount has been made," shall be inserted;

(*b*) for the words "as the case may be" the following shall be substituted, namely:—

"and the notice required by section 83 has been served on the mortgagee:

"Provided that, where the mortgagor has deposited such amount without having made a previous tender thereof and has subsequently withdrawn the same or any part thereof interest on the principal money shall be payable from the date of such withdrawal;" and

(*c*) after the words "tender of the mortgage-money" the words "and such notice has not been given before the making of the tender or deposit, as the case may be" shall be added.

Substitution of new section for section 91.

41. For section 91 of the said Regulation the following section shall be substituted, namely:—

Persons who may sue for redemption.

"91. Besides the mortgagor, any of the following persons may redeem, or institute a suit for redemption of, the mortgaged property, namely:—

(*a*) any person (other than the mortgagee of the interest sought to be redeemed) who has any interest in, or charge upon, the property mortgaged or in or upon the right to redeem the same;

(b) any surety for the payment of the mortgage-debt or any part thereof; or

(c) any creditor of the mortgagor who has in a suit for the administration of his estate obtained a decree for sale of the mortgaged property."

Insertion of new sections 92, 93 and 94.

42. After section 91 of the said Regulation, the following sections shall be inserted, namely :—

Subrogation.

"92. Any of the persons referred to in section 91 (other than the mortgagor) and any co-mortgagor shall, on redeeming property subject to the mortgage, have, so far as regards redemption, foreclosure or sale of such property, the same rights as the mortgagee whose mortgage he redeems may have against the mortgagor or any other mortgagee.

The right conferred by this section is called the right of subrogation, and a person acquiring the same is said to be subrogated to the rights of the mortgagee whose mortgage he redeems.

A person who has advanced to a mortgagor money with which the mortgage has been redeemed shall be subrogated to the rights of the mortgagee whose mortgage has been redeemed, if the mortgagor has by a registered instrument agreed that such persons shall be so subrogated.

Nothing in this section shall be deemed to confer a right of subrogation on any person unless the mortgage in respect of which the right is claimed has been redeemed in full.

Prohibition of tacking.

93. No mortgagee paying off a prior mortgage, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his original security; and except in the case provided for by section 79, no mortgagee making a subsequent advance to the mortgagor, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his security for such subsequent advance.

Rights of mesne mortgagee.

94. Where a property is mortgaged for successive debts to successive mortgagees, a mesne mortgagee has the same rights against mortgagees posterior to himself as he has against the mortgagor."

Substitution of new sections for section 95.

43. For section 95 of the said Regulation the following sections shall be substituted, namely :—

"95. Where one of several mortgagors redeems the mortgaged property, he shall, in enforcing his right of subrogation under section 92 against his co-mortgagors, be entitled to add to the mortgage-money recoverable from them such proportion of the expenses properly incurred in such redemption as is attributable to their share in the property.

Right of redeeming co-mortgagor to expenses.

96. The provisions hereinbefore contained which apply to a simple mortgage shall, so far as may be, apply to a mortgage by deposit of title-deeds."

Mortgage by deposit of title-deeds.

44. In section 98 of the said Regulation, for the words "a mortgage not being a simple mortgage, a mortgage by conditional sale, an usufructuary mortgage or an English mortgage or a combination of the first and third, or the second and third, of such forms," the words "an anomalous mortgage" shall be substituted.

Amendment of section 98.

45. In section 100 of the said Regulation,

Amendment of section 100.

(*a*) for the words "as to a mortgagor shall, so far as may be, apply to the owner of such property, and the provisions of sections 81 and 82 shall, so far as may be, apply to the person having such charge" the words "which apply to a simple mortgage shall, so far as may be, apply to such charge," shall be substituted; and

(*b*) after the words "in the execution of his trust" the following words shall be added, namely:—

"and save as otherwise expressly provided by any law for the time being in force, no charge shall be enforced against any property in the hands of a person to whom such property has been transferred for consideration and without notice of the charge."

46. For section 101 of the said Regulation, the following section shall be substituted, namely:—

Substitution of new section for section 101.

"101. Any mortgagee of, or person having a charge upon immovable property, or any transferee from such mortgagee or charge-holder, may purchase or otherwise acquire the rights in the property of the mortgagor or owner, as the case may be, without thereby causing the mortgage or charge to be merged as between himself and any subsequent mortgagee of, or person having a subsequent charge upon, the same property; and no such subsequent mortgagee or charge-holder shall be entitled to foreclose or sell such property without redeeming the

No merger in case of subsequent encumbrance.

prior mortgage or charge, or otherwise than subject thereto."

Amendment of section 102

47. In section 102 of the said Regulation,

(*a*) for the words "Where the person or agent on whom such notice should be served cannot be found in the said district, or is unknown" the words "Where no person or agent on whom such notice should be served can be found or is known," shall be substituted;

(*b*) after the words "and any notice served in compliance with such direction shall be deemed sufficient" the following proviso shall be inserted, namely :—

"Provided that, in the case of a notice required by section 83, in the case of a deposit, the application shall be made to the court in which the deposit has been made."

(*c*) for the words "Where the person or agent to whom such tender should be made cannot be found within the said district, or is unknown" the words "Where no person or agent to whom such tender should be made can be found or is known," shall be substituted; and

(*d*) for the words "in such Court as last aforesaid" the words "in any Court in which a suit might be brought for redemption of the mortgaged property" shall be substituted.

Amendment of section 106.

48. In section 106 of the said Regulation, for the words "tendered or delivered either personally to the party who is intended to be bound by it," the following shall be substituted, namely :—

"either be sent by post to the party who is intended to be bound by it or be tendered or delivered personally to such party."

Amendment of section 107.

49. In section 107 of the said Regulation, after the words "by delivery of possession", where they first occur, the following paragraph shall be inserted, namely :—

"Where a lease of immovable property is made by a registered instrument, such instrument or, where there are more instruments than one, each such instrument shall be executed by both the lessor and the lessee."

Amendment of section 108.

50. In section 108 of the said Regulation.—

(*a*) in clause (*h*)

(*i*) after the words "the lessee may" the words "even after the determination of the lease" shall be inserted; and

(*ii*) for the words "during the continuance of the lease," the words "whilst he is in possession of the property leased but not afterwards," shall be substituted; and

(*b*) in clause (*o*), after the words "or fell" the words "or sell" shall be inserted, and after the words "or damage buildings," the words "belonging to the lessor or" shall be inserted.

Amendment of section 111.

51. In clause (g) of section 111 of the said Regulation.—

(*a*) the words "or the lease shall become void" shall be omitted;

(*b*) after the words "title in himself" the following shall be inserted, namely:—

"or (3) the lessee is adjudicated an insolvent and the lease provides that the lessor may re-enter on the happening of such event";

(*c*) for the words "either case" the words "any of these cases" shall be substituted; and

(*d*) for the words "does some act showing" the words "give notice in writing to the lessee of" shall be substituted.

Insertion of new section 114 A.

52. After section 114 of the said Regulation, the following section shall be inserted, namely:—

Relief against forfeiture in certain other cases.

"114-A. Where a lease of immovable property has been determined by forfeiture for a breach of an express condition which provides that on breach thereof the lessor may re-enter, no suit for ejectment shall lie unless and until the lessor has served on the lessee a notice in writing—

(*a*) specifying the particular breach complained of; and

(*b*) if the breach is capable of remedy, requiring the lessee to remedy the breach;

and the lessee fails within a reasonable time from the date of the service of the notice, to remedy the breach, if it is capable of remedy.

Nothing in this section shall apply to an express condition against the assigning, under-letting, parting with the possession, or disposing of the property leased, or to an express condition relating to forfeiture in case of non-payment of rent."

Substitution of new section for section 119

53. For section 119 of the said Regulation, the following section shall be substituted, namely:—

Right of party deprived of thing received in exchange.

"119. If any party to an exchange or any person claiming through or under such party is by reason of any defect in the title of the other party deprived of the thing or any part of the thing received by him in exchange, then, unless a contrary intention appears from the terms of the exchange, such other party is liable to him or any person claiming through or under him for loss caused thereby, or at the option of the person so deprived, for the return of the thing transferred, if still in the possession of such other party or his legal representative or a transferee from him without consideration."

Amendment of section 128.

54. In section 128 of the said Regulation, after the words "debts due by" the words "and liabilities of" shall be inserted.

Amendment of section 130.

55. In section 130 of the said Regulation :—

after the words "The transfer of an amicable claim" the words "whether with or without consideration" shall be inserted.

Saving clause.

56. Nothing in any of the following provisions of this Regulation namely sections 2, 6, 7, 12, 15, 16, 24, 27, clause (c) of section 28, sections 29, 30, 41, 47, 49, 51, 52, 53 and 55 shall be deemed in any way to affect—

(a) the terms of incidents of any transfer of property made or effected before the first day of.....

(b) the validity, invalidity, effect or consequences of anything already done or suffered before the aforesaid date,

(c) any right, title, obligation or liability already acquired, accrued or incurred before such date, or

(d) any remedy or proceeding in respect of such right, title, obligation or liability and nothing in any other provision of this Regulation shall render invalid or in any way affect anything already done before the first day of.....in any proceeding pending in a Court on that date; and any such remedy and any such proceeding as is herein referred to may be enforced, instituted or continued, as the case may be, as if this Regulation had not been passed.

Statement of Objects and Reasons.

The Transfer of Property Regulation in Mysore was passed in 1918 on the lines of the British Indian Act of 1882 and all amendments passed there up to 1918 were

taken into consideration. The British Indian Act has subsequently been amended largely by Act XX of 1929 which has made substantial changes in many sections and has set at rest points on which there have been conflicting decisions. It is considered desirable to adopt these amendments as some of them are beneficial and it is convenient not to have a law in this respect different from that in British India unless dictated by local conditions. A bill has accordingly been drafted.

In the bill it has been sought to remedy defects which have led to inconvenience or anomalous results and to incorporate new principles of importance which have been judicially recognised.

Special attention is, however, drawn to the following principles included in the bill :—

(1) Provision is made so that registration will amount to notice of the document registered:

(2) Constructive notice to an agent of a fact material to the course of business in which the agent is engaged will be notice of that fact to the principal. The agent must not have fraudulently concealed the fact from his principal:

(3) The validity of transfers in favour of a class, when some members of that class are unable to take, is recognised so that they may enure to the benefit of those members of the class who are capable of taking ;

(4) The doctrine of part performance is recognised. By this doctrine the transferee is protected where the contract to transfer is followed by part performance and the contract is made enforceable even though the contract is not registered. At the same time, care is taken to see that the law of registration is not evaded ;

(5) In a mortgage by conditional sale, the condition must be embodied in the same deed ;

(6) Provision is made to require the mortgagee to transfer, when so required, the mortgage debt to a third person named by the mortgagor ;

(7) It is made clear that the mortgagor has a right to inspect and take copies of the documents of title relating to the mortgaged property which are in the possession of the mortgagee ;

(8) It is also made clear that the mortgagor has the option to redeem several mortgages to the same mortgagee separately or simultaneously ;

(9) There is no express provision in the Regulation allowing a mortgagee to make necessary improvements to the mortgaged property. This is now provided for:

(10) Statutory recognition is given to the mortgagor's power to lease so as to bind the mortgagee subject to certain safeguards;

(11) Remedy of foreclosure is abolished in the case of all mortgages except a mortgage by conditional sale or an anamolous mortgage providing expressly for foreclosure;

(12) Mortgagee is obliged to enforce several mortgages by the same mortgagor simultaneously in the absence of contract to the contrary;

(13) Provision is made for the court to stay a suit for enforcing the personal remedy against the mortgagor till the mortgagee has exhausted his remedies against the mortgaged property;

(14) The principle of subrogation is extended so that all persons who have an interest in the mortgaged property except the mortgagor will be entitled to be substituted in the place of the creditor who is paid off;

(15) The law of merger is modified so that the creditor may have the benefit of keeping his own incumbrance as well as those which he has paid off alive against subsequent incumbrances;

(16) Leases will be required to be executed by both parties.

Notes on Clauses.

Clause 2.—Notice as defined in section 3 includes both actual and constructive notice. This gave rise to a conflict of decisions in British India whether registration of a document is of itself constructive notice of the transaction effected by the document. Since the system of registration has been in existence in the State for over 70 years and is of general application, one of the objects for which instruments are required to be registered would be defeated if registration is to be held as not implying notice. Under the Transfer of Property Regulation most of the transfers of immovable property have to be effected by registered instruments and some few where property is of low value are allowed to be effected by delivery of possession. The means of search in registration offices are within the powers of a person taking a transfer. It is therefore desirable that express provision should be made in the Regulation itself making it clear that registration

of an instrument relating to immovable property amounts to notice of the instrument from the date of the instrument or from the date on which a memorandum of a registered instrument has been filed by a Sub-Registrar in whose jurisdiction a property is situated when it has been registered in another jurisdiction. This is provided for in Explanation I of the definition of "Notice."

Explanation II provides that the person dealing with any immovable property shall be deemed to have notice of the title of the person who for the time being is in actual possession. There was some uncertainty in regard to this. It does not seem reasonable that a person entering into a transaction relating to immovable property should ignore the question of possession or neglect to inquire into the title of the person in actual possession of such property. Notice in this case is not extended to possession which is merely of a constructive nature.

The last portion of the existing definition of notice which relates to notice through an agent is defective in as much as it may be construed as being restricted to cases of express notice. Explanation III amends the law as to notice to an agent by widening the definition so as to include a fact of which the agent has notice whether express or constructive. This is in accordance with the well-established principle that the agent stands in the place of his principal with reference to the business on hand so that his acts and knowledge are the acts and knowledge of his principal. If notice to the agent whether actual or constructive is not made notice to the principal, notice may be avoided in every case by employing agents. In the amendment there are safeguards to the effect that the notice must be of a fact which is material to the course of the business in which the agent is engaged, and that the agent must not fraudulently have concealed the fact from his principal.

Clause 3.—This provides for the case where a man makes a settlement of his property in trust and constitutes himself as a trustee. An explanation has been added to make it clear that the words "living person" include corporations and other associations of persons.

Clause 4.—A right to receive maintenance is a personal right and it is in accordance with public policy that these rights which are generally created for the maintenance or personal enjoyment of a qualified owner should

not be alienable. Hence a new clause is added to section 6. This does not apply to arrears of maintenance which have accrued due.

Clause 5.—Sections 11 and 40 of the Regulation refer to affirmative and negative covenants in a transfer. Section 11 refers to rights as between a transferor and a transferee while section 40 relates to the rights of third parties against transferees. The words "to compel its enjoyment" used in the second paragraph of section 11 and in the first paragraph of section 40 indicate that affirmative covenants for the beneficial enjoyment of one piece of the property of which the other piece has been transferred can in all cases be enforced and this is based on the principle in the English case of Tuck *VS* Moxhay. But later English decisions which have been followed in India made it clear that only covenants of a negative character and imposing no pecuniary obligatiou can be enforced under the rule in Tuck's case against purchasers from the transferee or covenantor. It is therefore proposed to amend the second paragraph of section 11 and the first paragraph of section 40 so as to make it clear that, although an affirmative covenant is not by itself invalid as between a transferor and a transferee (Section 11) negative or restrictive covenants only can be specifically enforced against a purchaser from a transferee.

Clause 6.—Section 15 is so amended as to make a gift to a class, some of whom are or may be incapacitated from taking, enure for the benefit of those members of the class who are capable of taking. This is in accordance with the tendency of decisions later than Leake *vs.* Robinson, the rule in which was embodied in present section 15.

Clause 7.—The amendment of section 15 renders a reference to that section in section 16 unnecessary. But provision is however made for the case where a transfer fails as to all the members of the class by reason of the rules in sections 13 and 14.

Section 18 relates to the rule against accumulations and allows accumulations for a period of one year only in certain cases. In England, the Thellusson Act allowed a much longer period. Even in India in cases which were not governed by section 18, the rule followed was that if there was nothing illegal or unreasonable in a direction to accumulate, such direction should be given effect to. It

is desirable to allow accumulations for longer periods to lay down definitely on the lines of the English law the periods and the objects for which a condition as to accumulation should be held valid. It is also desirable to accept certain well recognised exceptions in law such as those relating to provisions for the payment of debts, raising portions for children and the repairs to the property transferred. The restrictions contained in sections 14 and 16 and also the restrictions as to accumulations under section 18 should not apply to charities. section 18 dealing with accumulations should come after section 16 and it is numbered 17. The present section 17 which deals with charities is numbered 18.

Clause 8.—Section 39 now provides that a right to receive maintenance or a provision for advancement or marriage from the profits of immovable property can be enforced against the transferee if the transfer has been made with the intention of defeating the right and the transferee has notice of the intention. In actual practice it will be very difficult to adduce proof of mere intention. As it is desirable to protect persons entitled to maintenance or for whom provision for advancement has been made, it is necessary that the section be amended so that there may be no necessity to refer to the transferor's intention to defeat or for the transferee to be aware of such intention. As the illustration to the section is not consistent with the section as it does not make any reference to the intention of transferor, it is omitted.

Clause 9.—The amendment makes it clear that only negative or restrictive covenants can be specifically enforced against a third person as has been explained in the note to clause 5.

Clause 10.—This makes it clear that erroneous representation may either be innocent or tainted with fraud.

Clause 11.—The use of words "active prosecution" and "contentious" has given rise to difficulties in construing section 52. It has given room for a difference of view as to when a suit may be said to be in active prosecution and when it may be said to be contentious. The word "pendency" is therefore substituted for "active prosecution" and the word "contentious" omitted. An explanation is added to make it clear when the pendency of a suit or proceeding shall be deemed to commence and

when it shall be deemed to end. Collusive suits are excluded as they are not really suits at all, but merely a pretence. Further to attract the doctrine of *lis pendens* the suit must be pending in a court of competent jurisdiction and this has been made clear in the explanation.

Clause 12.—The section has been remodelled. The first paragraph of the old section referred both to transfers made with intent to defraud creditors and to transfers made in fraud of other transferees. It is desirable to split the section into two parts, sub-section (1) referring to creditors and sub-section (2) to other transferees, on the lines of the English law of Property Act, 1925. This division eliminates two difficulties in the construction of the present section. The first difficulty is that paragraph 3 can hardly apply to a case of contest between a prior voluntary transfer and a subsequent transfer for consideration. The second difficulty is in the use of the words "may be presumed" in the second paragraph which are being interpreted in different ways in the two cases. This inconsistency has been removed by the division of the section into two parts and the inclusion of a special provision in the last paragraph of the second sub-section for cases of conflict between a transfer without consideration and a subsequent transfer with consideration.

Paragraph 2 of present section 53 lays down a rule of evidence which has also given rise to considerable difficulty in interpretation. The general trend of decisions was that the court should decide in each case whether on all the circumstances the intention of the transferor was to defraud, defeat or delay his creditors and this is also the course of legislation. It is therefore proposed to delete para 2 of section 53 and to have the determination of the question of intent to be dealt with according to the ordinary rules of evidence.

The reference to prior 'transferees and co-owners or other persons having an interest' is superfluous as it is not clear in what cases they can be defeated by a subsequent voluntary transfer. The corresponding words have therefore been omitted.

It has been provided that the law of insolvency shall not be affected. To protect the transferee from being exposed to a multiplicity of suits, it is desirable to provide that a suit by a creditor must be a representative suit on behalf of all the creditors, and accordingly paragraph 3 has been inserted in sub-section (1).

Clause 13.—Courts have been applying the equitable doctrine of part performance to cases of transfer which have not been validated by registration on the ground that when one party has executed his part of the agreement in the confidence that the other party would do the same, it would be inequitable and a fraud, if the latter should refuse, to suffer this refusal to work to the prejudice of the former. Ignorant transferees in the country who have partly performed the contract require some measure of protection. Statutory recognition is therefore given by this clause to the doctrine of part performance. At the same time certain safeguards as mentioned below are provided in order that the law of registration may not be evaded and that the introduction of the doctrine does not lead to perjuries and frauds which it is the object of the doctrine to prevent.

(1) It is provided that the agreement should be in writing.

(2) The transferee should take possession of the property or if already in possession should, in addition to continuing in possession, do some act in furtherance of the contract.

(3) The transferor is debarred from enforcing against a transferee any right except such as are expressly provided by the contract. The mutual covenants will be operative though no title has passed. This will necessitate the completion of the transfer according to law by execution and registration in order that the transferee may get a marketable title. Thus the law of registration will not be evaded.

(4) There is a further safeguard in that the equities arising out of part performance may not affect the rights of a transferee for value without notice. It would be necessary therefore for the first transferee to have his transfer perfected according to law by registration and thereby acquire an indefeasible title.

Clause 14.—The expression "material defect" in section 55 (1) (a) has been held to include a defect in the title of the seller. Statutory effect is given to this decision by inserting the words "as in the seller's title thereto."

In sub-clause (b) of clause (4) of the same section, the unpaid seller's charge available against the buyer is made enforceable not only against the buyer but against a

transferee from the buyer with notice of the non-payment or a gratuitous transferee, as such lien could otherwise have been defeated by the buyer parting with the property. This clause is also silent as to the date from which interest on the unpaid purchase money should run. It is but fair that interest should run from the date when the buyer is put in possession.

Sub-clause (b) of clause (6) of the same section provides that a buyer's lien for price prepaid can be enforced against the seller and other persons claiming under him with notice of the payment. Gratuitous transferees and legal representatives of the seller could escape liability by pleading that they had no notice. It is proposed to amend the clause by omitting the words "with notice of the payment" so as to permit of the buyer's lien for price prepaid being enforced against all persons claiming under the seller.

Clause 15.—Section 56 as amended provides for the right of marshalling being enforced not only against the seller but also against the mortgagee of the seller.

Clause 16.—It is very often difficult to distinguish a mortgage by conditional sale from sales with a condition of repurchase. The nature of the transaction can only be determined by finding out the intention of the parties. In order to avoid the difficulty it is desirable to lay down a statutory test by which the intention is to be gathered. A proviso is added to clause (c) of section 58 to the effect that no transaction shall be deemed to be a mortgage by conditional sale unless the condition is embodied in the document purporting to effect the sale.

In sub-clause (*d*) it is made clear that a case where a mortgagee who is entitled to possession but has not received possession or a case where the mortgagee is entitled to appropriate a portion only of the income is a usufructuary mortgage. The definition of a mortgage by deposit of title deeds which is now in section 59 and the definition of an anomalous mortgage which is now in section 98 are brought under Section 58 which contains the definitions of the several kinds of mortgages. The term Bank has been extended so as to include foreign Banks working in Mysore to enable them also to deal in mortgages by deposit of title deeds.

Clause 17.—These amendments are consequential on the transfer of the definition of a mortgage by deposit of title deeds to section 58.

Clause 18.—This makes it clear that the words "mortgagor" and "mortgagee" include all persons deriving title under them.

Clause 19.—The word "payable" gave rise to a diversity of opinion and it was held in some cases that a mortgagor could redeem before the period stipulated for redemption. The contrary view which is the better one is that the mortgagor cannot redeem before the mortgage money has become due. In order to remove the doubt, the word "due" has been substituted for the word "payable."

It is also made clear that on redemption a mortgagee should deliver not only the mortgage deed but all documents in his possession relating to the mortgage. The word "decree" has been substituted for the word "order" as the old practice of passing orders absolute has been abolished. By the addition of the word "only" in the last paragraph, it is made clear that the case mentioned therein is the only exception to the rule of the indivisibility of a mortgage.

Clause 20.—Provision is made to require the mortgagee at the instance of the mortgagor to assign the mortgage to a third person. New section 60-B recognises the right of the mortgagor to inspect and take copies of the documents of title in the possession of the mortgagee.

Clause 21.—The wording of the section has been recast so as to make it clear that it is left to the option of the mortgagor to redeem any one or more of the mortgages.

Clause 22.—These amendments are in consonance with the amendments to sections 60 and 58 (*d*).

Clause 23.—Provides for cases where the mortgage deed is silent as to the rate of interest.

Clause 24.—Since there is no express provision in the Regulation dealing with improvements to the mortgaged property, this section has been added. The mortgagee will be entitled to compensation when the improvements are made to preserve the property from deterioration or to prevent the security from becoming insufficient. Provision is made for a mortgagee in possession to remove fixtures as a lessee can do.

Clause 27.—In the absence of an express provision in the Regulation, the question is raised whether the mortgagor in possession is competent to grant a lease of

the mortgaged property during the continuance of the mortgage and whether such a lease is binding on the mortgagee. It is therefore proposed to expressly provide that the mortgagor shall, subject to the express conditions of the mortgage deed, be entitled to grant a lease of the mortgaged property. Certain restrictions are however imposed to safeguard the interests of the mortgagee.

Clause 28.—It is desirable that the drastic remedy of foreclosure is used only in exceptional cases. It is therefore proposed to confine the remedy to the case of a mortgagee by conditional sale or of a mortgagee under an anomalous mortgage whereby the express terms of which the parties have stipulated for foreclosure, and to disallow it in other cases.

Clause 29.—When a mortgagee holds several mortgages in respect of the same or different properties, it will be prejudicial to the mortgagor if the mortgagee is allowed to enforce one mortgage and keep the other mortgages alive. The principle of consolidation is proposed to be applied to the mortgagee and he should enforce all the mortgages or none at all unless there is a contract to the contrary.

Clause 30.—The section has been recast so as to remove certain doubts that had arisen. The personal remedy declared by section 68 is additional to the remedies provided in section 67 and this concurrent remedy sometimes leads to abuse. It is therefore proposed to provide that in clauses (*a*) and (*b*) of sub-section (1) the mortgagee should exhaust all his available remedies against the mortgaged property before he seeks to pursue the personal remedy against the mortgagor unless the mortgagee abandons his security.

Clause 32.—It is equitable that a mortgagee though not in possession should be entitled to spend such money as may be necessary for the purposes mentioned in section 72.

The purpose in clause (*a*) is transferred to section 76 (*h*) which relates to a mortgagee in possession.

Clause 33.—The new section extends to cases of sale for arrears of other charges of a public nature and of acquisition under the Land Acquisition Regulation. The word "charge" is also avoided as it relates to immovable property and is enforceable as a simple mortgage. The mortgagee will be entitled to claim payment out of the

surplus fund or compensation money. Provision is also made for priorities.

Clause 34.—Sections 74 and 75 are deleted and the incidents therein which are based on the principle of subrogation are embodied in new sections 92 and 94.

Clause 36.—The principle of tacking embodied in section 80 is transferred to section 93 to come after 'subrogation.'

Clause 37.—The change is merely verbal.

Clause 38.—The principle of contribution is made applicable by this amendment to cases where the mortgaged property is subsequently divided into distinct and separate portions held in severalty. It further fixes the date of the mortgage as the date at which the valuation for the purpose of contribution should be made.

Clause 39.—Provision is made requiring the mortgagee to file all documents of title and also a draft reconveyance or an acknowledgment before he is entitled to draw the money.

Clause 40.—A proviso has been added making it clear that where the mortgagor has deposited the amount without a previous tender and has subsequently withdrawn it, interest shall be payable from date of withdrawal. It is not reasonable that the mortgagor should withdraw the money and at the same time get the benefit of cessation of interest.

Clause 41.—Section 91 has been remodelled omitting what is considered superfluous and combining the clauses where suitable. An attachment does not create an interest and there is no reason why an attaching creditor should have the right of redemption.

Clause 42.—Sections 74 and 75 have been omitted and the principle of subrogation is provided for in the new section 92 and applied to all persons having an interest in the mortgaged property, *i.e.*, all those referred to in section 91 as having the right of redemption. The section gives a full and extended expression to the doctrine of subrogation. A person advancing money for redeeming a mortgage is given the right of subrogation, but it is provided that the payment should however have been made under an agreement to subrogate reduced to writing and registered.

As the principle of tacking is closely allied to that of subrogation, section 80 is renumbered as 93 and placed after section 92.

Section 94 provides for the doctrine of foreclosing down which was partly contained in section 75.

Clause 44.—As there is no clear provision regarding the rights and liabilities of parties to a mortgage by deposit of title deeds, section 96 has been added.

Clause 45.—There has been a doubt whether a charge can be enforced against a transferee for consideration without notice. It is made clear that it cannot be enforced against such transferees.

Clause 46.—It may generally be taken to be the intention of a creditor and to his benefit to keep his own incumbrances as well those which he has paid off alive. The section is accordingly amended.

Clause 48.—Service by post is a recognised mode of service, and provision is made for serving a notice by post.

Clause 49.—Since a lease contains covenants both on the part of the lessor and the lessee, it is desirable that it should be executed by both.

Clause 52.—There is no provision now for relief against forfeiture where it accrues on breach of an express condition which provides that on breach thereof the lessor may re-enter although the breach may be capable of easy remedy. It is desirable that such a provision should be introduced here.

Clause 53.—The section is widened in its scope. It provides for the rights of the transferee also. It is also provided that the party can get back the thing transferred only if it is still in the possession of the other party.

Clause 56.—In this clause the provisions of the bill which are not to have retrospective operation are specified.

No. 2826—*L. C., Bangalore dated 9th December* 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to supplement the Transfer of Property (Amendment) Regulation is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

A Bill to supplement the Transfer of Property (Amendment) Regulation.

Whereas by reason of the passing of the Transfer of Property (Amendment) Regulation it is expedient that certain amendments should be made in certain other enactments; it is hereby enacted as follows:—

1. (1) This Regulation may be called *the Transfer of Property (Amendment) Supplementary Regulation, 193* . Short title and commencement.

(2) It shall come into force on the 1st day of .....

2. After section 27 of the specific Relief Act, 1877, as in force in Mysore, the following section shall be inserted, namely:— Insertion of new Section 27-A. in Specific Relief Act.

"27-A. Subject to the provisions of this Chapter, where a contract to lease immovable property is made in writing signed by the parties thereto or on their behalf, either party may, notwithstanding that the contract, though required to be registered, has not been registered, sue the other for specific performance of the contract if,— Specific performance in case of part performance of contract to lease.

(*a*) where specific performance is claimed by the lessor, he has delivered possession of the property to the lessee in part performance of the contract; and

(*b*) where specific performance is claimed by the lessee, he has in part performance of the contract, taken possession of the property, or being already in possession, continues in possession in part performance of the contract, and has done some act in furtherance of the contract;

Provided that nothing in this section shall affect the rights of a transferee for consideration who has no notice of the contract or of the part performance thereof.

This section applies to contracts to lease executed after the first day of ....."

3. (1) In section 17 of the Mysore Registration Regulation, 1903,— Amendment of Registration Regulation.

(*a*) after clause (*d*) the following clause shall be added, namely:—

"(*dd*) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards to or in immovable property"; and

(*b*) in clause (*j*) for the words "and awards" the words "except decrees or orders expressed to be made on a compromise and comprising immovable property other than that which is the subject matter of the suit or proceeding" shall be substituted.

(2) In section 48 of the same Regulation, after the words "or followed by delivery of possession" the following words shall be added, namely:—

"and the same constitutes a valid transfer under any law for the time being in force:

Provided that a mortgage by deposit of title deeds as defined in section 58 of the Transfer of Property Regulation shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property."

(3) In section 49 of the same Regulation—

(*a*) after the word and figures "section 17" the words "or by any provision of the Transfer of Property Regulation" shall be inserted; and

(*b*) to that section the following proviso shall be added, namely:—

"Provided that an unregistered document affecting immovable property and required by this Regulation or the Transfer of Property Regulation to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, as in force in Mysore, or as evidence of part performance of a contract for the purposes of section 53-A of the Transfer of Property Regulation or as evidence of any collateral transaction not required to be effected by registered instrument."

Amendment of Indian Succession Act.

4. (1) In section 102 of the Indian Succession Act, 1865, as in force in Mysore.

(*a*) for the words "wholly void" the words "void in regard to those persons only and not in regard to the whole class" shall be substituted;

(*b*) in *Illustration* (*a*) for the words "and, as it is given to all his children as a class, it is not good as to any division of that class, but is wholly void" the following words shall be substituted, namely:—

"and in regard to those who do not attain the age of 25 within 18 years after A's death, but is operative in regard to the other children of A"; and

(*c*) in *Illustration* (*b*), for the words "The mention of B, C and D by name does not prevent the bequest from being regarded as a bequest to a class, and the bequest is wholly void" the following words shall be substituted, namely:—

"Although the mention of B, C and D does not prevent the bequest from being regarded as a bequest to a class, it is not wholly void. It is operative as regards any of the children B, C or D, who attains the age of 25 within 18 years after A's death."

(2) for section 103 of the same Act, the following section shall be substituted, namely:—

Bequest to take effect on failure of prior bequest.

"103. Where by reason of any of the rules contained in sections 100 and 101 any bequest in favour of a person or of a class of persons is void in regard to such person or the whole of such class, any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest is also void."

(3) For section 104 of the same Act and the *Illustration* thereto, the following section shall be substituted, namely:—

Effect of direction for accumulation.

"104. (1) Where the terms of a will direct that the income arising from any property shall be accumulated either wholly or in part during any period longer than a period of eighteen years from the death of the testator, such direction shall, save as hereinafter provided, be void to the extent to which the period during which the accumulation is directed exceeds the aforesaid period, and at the end of such period of eighteen years the property and the income thereof shall be disposed of as if the period during which the accumulation has been directed to be made had elapsed.

(2) This section shall not affect any direction for accumulation for the purpose of—

(i) the payment of the debts of the testator or any other person taking any interest under the will, or

(ii) the provision of portions for children or remoter issue of the testator or of any other person taking any interest under the will, or

(iii) the preservation or maintenance of any property bequeathed;

and such direction may be made accordingly."

5. Nothing in this Regulation shall be deemed to affect—

(a) the terms or incidents of any transfer or disposition of property made or effected before the first day of .....

(b) the validity, invalidity, effect or consequences of anything already done or suffered before the aforesaid date;

(c) any right, title, obligation or liability already acquired, accrued or incurred before such date;

(d) any remedy or proceeding in respect of such right, title, obligation or liability; or

(e) anything done in the course of any proceeding pending in any Court on the aforesaid date;

and any such remedy or proceeding may be enforced, instituted or continued, as the case may be, as if this Regulation had not been passed.

Statement of Objects and Reasons.

Consequent on the amendments proposed to the Transfer of Property Regulation, it has become necessary to introduce amendments to (1) Specific Relief Act, (2) Registration Regulation, (3) Succession Act, (4) Limitation Regulation and (5) Code of Civil Procedure.

Amendments to the Specific Relief Act give effect to the principle of part performance embodied in the new section 53-A of the Transfer of Property Regulation.

Registration Regulation is amended so that assignments of decrees, orders and awards relating to immovable property may be always registered. Courts will be empowered to admit unregistered documents in evidence in giving effect to the doctrine of part performance.

Succession Act is amended in conformity with the amendments to sections 15 to 18 of the Transfer of Property Regulation.

Amendment to the Limitation Regulation providing for a period of limitation governing suits to recover the money due on a mortgage by the deposit of title deeds is included in the Bill to amend the Limitation Regulation proposed to be introduced.

The amendments to the Code of Civil Procedure relate to Order XXXIV of the First Schedule thereto and the forms in Appendix D. These may, in due course, be made by the High Court itself under their rule-making power, and they are not therefore included in the bill.

Detailed explanations of the several clauses are given below:

NOTES ON CLAUSES.

Clause 2.—Consequent on the statutory recognition of part performance in section 53-A of the Transfer of Property Regulation, it is necessary to insert a new section in the Specific Relief Act providing for specific performance in cases where the doctrine of part performance is applicable.

Clause 3.—Amendment of the Registration Regulation: A new clause (*dd*) is inserted in section 17 of the Registration Regulation so as to make it definite that the assignment of a mortgage decree requires registration on the ground that the right to sell immovable property which is given by the assignment is a right or interest in the property.

Clause (j) of section 17 is amended so that the exemption from registration will not apply to decrees and orders expressed to be made on a compromise and comprising immovable properties outside the scope of the suit or proceeding as it would otherwise lead to hardships.

The word 'awards' is also omitted as non-registration of awards affecting immovable property creates the same hardship.

It is proposed to amend section 48 of the Registration Regulation so as to make it clear that only those transactions which can validly be made by an oral agreement and by delivery of possession according to the provisions of any law for the time being in force and also mortgages by deposit of title deeds cannot be supplanted by subsequent registered instruments.

The doctrine of part performance having been recognised, unregistered documents have to be admitted in evidence to prove part performance. Hence section 49 of the Registration Regulation is amended. It is also made clear that documents which require to be registered but have not been registered can be admitted in evidence for a collateral purpose.

Clause 4.—The amendments proposed in this clause to the Succession Act are consequential upon those proposed to be made in Sections 15, 16 and 18 of the Transfer of Property Regulation.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

The Mysore Gazette

Vol. 72.] PUBLISHED BY AUTHORITY. [No. 49.

BANGALORE, THURSDAY, DECEMBER 16, 1937.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1842—R. T. 10-37-8, dated Bangalore, the 11th December 1937.

The following draft of a rule which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Regulation, 1928, and Section 33 of the Mysore Road Traffic and Taxes Regulation, is hereby published for the information of the persons likely to be affected thereby and notice is hereby given that any suggestion or objection received in respect of the said draft on or before the 30th December 1937 will be considered by Government.

DRAFT AMENDMENT.

The following will be added as provisos to Rule 15 (c) of the rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35-17, dated 18th December 1935, and amended from time to time:—

Proviso to Rule 15 (c) of the said rules:—

Children under the age of three years shall not be counted as passengers and shall be carried free and children under the age of twelve years shall be considered as half passengers and charged half fare only.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

No. L. 5316—*Ml.* 74-37-17, *dated Bangalore, the 14th December* 1937.

Under sub-section (4) of Section 228 of the Mysore City Municipalities Regulation, 1933, the following draft of the rules which the Government propose to make under Section 23 (2) (b) of the said Regulation, amending the existing rules regulating the election of the President and Vice-President of a City Municipal Council issued under Government Order No. L. 3957—Ml. 56-24-14, dated 26th November 1924, is published for general information. Any objections or suggestions may be sent for consideration before 31st December 1937 :—

Add the following as sub-rule (d) to Rule 1, the present sub-rule (d) being re-numbered as (e) :—

1. "(*d*) When an elected President or Vice-President vacates Office on the expiry of the term limited to one year under proviso to Section 23 (12), at a meeting of the Council held not later than one month from the date of occurrence of the vacancy."

2. In the proviso to Rule (1), omit the words "during the said period of one or two months as the case may be."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

No. 2824—*L. C.; Bangalore dated 9th December* 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Limitation Regulation, 1911, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill further to amend the Mysore Limitation Regulation, 1911.

Whereas it is expedient further to amend the Mysore Limitation Regulation, 1911; it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Limitation (Amendment) Regulation, 193 . Short title and commencement.

(2) It shall come into force on the first day of

2. In section 5 of the Mysore Limitation Regulation, 1911 (hereinafter referred to as the said Regulation), for the words "by any enactment or rule" the words "by or under any enactment" shall be substituted. Amendment of Section 5.

3. In section 10 of the said Regulation, the following paragraph shall be inserted, namely:— Amendment of section 10.

"For the purposes of this section any property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment shall be deemed to be property vested in trust for a specific purpose and the manager of any such property shall be deemed to be the trustee thereof."

4. For section 29 of the said Regulation, the following shall be substituted, namely:— Amendment of Section 29.

"29 (1) Nothing in this Regulation shall affect section 25 of the Indian Contract Act, 1872, as in force in Mysore;

(2) where any special or local law prescribes for any suit, appeal or application a period of limitation

different from the period prescribed therefor by the First Schedule, the provisions of section 3 shall apply, as if such period were prescribed therefor in that schedule, and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law,

(*a*) the provisions contained in section 4, sections 9 to 18, and section 22 shall apply only in so far as and to the extent to which, they are not expressly excluded by such special or local law; and

(*b*) the remaining provisions of this Regulation shall not apply."

Addition of Articles 48-A and 48-B.

5. In the first division of the First Schedule to the said Regulation, after Article 48, the following articles shall be inserted, namely:—

48-A. To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depository or pawnee for a valuable consideration.	Three years	When the sale becomes known to the plaintiff.
48-B. To set aside sale of movable property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment, made by a manager thereof for a valuable consideration.	Three years	When the sale becomes known to the plaintiff.

Amendment of Art. 132.

6. To Article 132 in the First Division of the First Schedule to the said Regulation, the following explanation shall be added, namely:—

"*Explanation.*—Advances secured by mortgage by deposit of title deeds shall, for the purposes of this article, be deemed to be money charged upon immovable property."

Amendment of First Schedule.

7. In the First Division of the First Schedule to the said Regulation:—

(*a*) Article 133 shall be omitted.

(*b*) In Article 134, in the third column, for the words "The date of the transfer" the words "when the transfer becomes known to the plaintiff" shall be substituted; and

(c) After Article 134, the following articles shall be inserted, namely :—

134-A.	To set aside a transfer of immovable property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment made by a manager thereof for a valuable consideration.	Twelve years.	When the transfer becomes known to the plaintiff.
134-B.	By the manager of a Hindu, Mahomedan or Buddhist religious or charitable endowment, to recover possession of immovable property comprised in the endowment which has been transferred by a previous manager for a valuable consideration.	Twelve years	The death, resignation or removal of the transferor
134-C.	By the manager of a Hindu, Mahomedan or Buddhist religious or charitable endowment to recover possession of movable property comprised in the endowment which has been sold by a previous manager for a valuable consideration.	Twelve years	The death, resignation or removal of the seller.

Amendment of Art. 158.

8. In the Third Division of the First Schedule to the said Regulation, in Article 158 in the third column, for the words "when the award is submitted to the court," the words "when the award is filed in court and notice of the filing has been given to the parties" shall be substituted.

Amendment of Art. 166.

9. In the Third Division of the First Schedule to the said Regulation in Article 166 in the first column, the words "or fraud" shall be inserted after the word "irregularity."

Amendment of Arts. 176, 177 and 178.

10. In the Third Division of the First Schedule of the said Regulation, (a) in Articles 176 and 177 in the second column for the word "ditto" appearing against each article the words "Ninety days" shall be substituted; and (b) in Article 178 in the second column for the word "Ditto" the words "six months" shall be substituted.

Statement of Objects and Reasons.

In the judgment of the High Court in Motiram Lala *vs.* Deputy Commissioner and Muzrai Officer, Mysore

District (40 Mys. H. C. R. 330), it was suggested that section 29 of the Limitation Regulation may be amended as in British India so as to make most of the exceptions and qualifications to section 3 of the Limitation Regulation apply not only to the periods of limitation prescribed by that Regulation but to periods of limitation prescribed by other Regulations. Before the amendment in British India in 1922, section 29 was the same as here. It provided that nothing in the Limitation Act shall affect or alter any period of limitation specially prescribed for any suit, appeal or applications by any special or local law. The interpretation of this provision was the subject of conflicting decisions by High Courts, some holding that the application of the general provisions of Limitation Act would be to affect the period of limitation prescribed under the special law and others holding a contrary view. To remove this conflict, section 29 of the British Indian Act was amended by Act X of 1922. As suggested by the High Court in the judgment cited above, it is proposed to amend section 29 of the Mysore Regulation as in British India (*Vide* clause 4). While amending section 29 opportunity is taken to bring the Mysore Regulation into line with the Act in British India so far as it is suitable.

The chief of such amendments are explained below:—

Clause 2.—The change is verbal and better expresses the intention of the section.

Clause 3.—Recent decisions of courts have taken the view that whenever property is conveyed to a religious or charitable institution, it is not held by the manager thereof as trustee. He holds it only as manager and the property does not vest in him in trust, with the result that suits against him in respect of the property of the endowments of this nature are not governed by section 10 of the Limitation Regulation. Section 10 is therefore amended so as to put property of Hindu and Mahomedan religious endowments on the same footing as other trust property which definitely vest in a trustee.

Clause 5.—The provisions of Article 133 are enacted as Article 48-A with the period of limitation curtailed to three years. Specific provision is made by Article 48-B for the case of a suit to set aside sales of movable property comprised in a religious or charitable endowment where the plaintiff is merely interested in the endowment as a

beneficiary, but is not entitled to possession. The date when the plaintiff obtains knowledge of the sale he seeks to attack is the most suitable date from which limitation should run. If limitation runs from the date of purchase or even from the date of delivery of possession, a dishonest trustee and a collusive transferee might conceal the fact until the period of limitation expires. With this change it is considered that a period of three years in the case of movable property is quite sufficient.

Clause 6.—As it is not definite what period of limitation should govern a suit to recover money due on a mortgage by the deposit of title deeds, provision is now made therefor by fixing a period of 12 years in such cases.

Clause 7.—The notes to clause 5 explain the reason for deleting Article 133 which is enacted as Article 48-A. As the manager of a religious or charitable institution is not a trustee, Articles 133 and 134 as they stand would not be applicable to such institutions. This would also be in consonance with Order XXI, Rule 90 of C. P. C. in which an application to set aside a sale on the ground of fraud is placed on the same footing as an application to set aside a sale on the ground of material irregularity. It is proposed to bring religious or charitable endowments within the scope of the principle of Articles 133 and 134. Suits by persons interested in the endowment to set aside alienations made by the manager are provided for in Article 48-B in respect of movable property, and in Article 134-A for immovable property. In the case of suits by the manager himself attacking transfers made by a predecessor for valuable consideration and claiming to recover the property, provision is made by special Articles 134-B and 134-C. For reasons stated in the notes to clause 5, the starting point in Articles 134 and 134-A is proposed to be taken as the date of the plaintiff's knowledge of the transfer. It is also proposed to take as the starting point for Articles 134-B and 134-C the death, resignation or removal of the transferring manager. The period of limitation of 12 years which is normal in all similar cases is adopted for Articles 134-A, 145-B and 134-C.

Clause 8.—Reading Article 158 along with paragraph 10, Second Schedule, C. P. C., it is desirable to make it definite that time will run from the day on which the parties receive notice that the award has been filed in court.

Clause 9.—In interpreting this article, decisions are not uniform whether fraud in publishing or conducting a sale would come within the scope of this article or not. It is proposed to make it clear that an application to set aside a sale on the ground of fraud in publishing or conducting a sale is governed by Article 166.

Clause 10.—The time now allowed to bring the legal representative of a deceased party on record is six months. This is considered too long and it is proposed to reduce it to ninety days. This will help in reducing the delay in the disposal of suits. The reduction will not affect parties who are diligent. The apprehension that the change will prove a hardship to parties who will find it difficult to ascertain the address of the legal representatives, has no force. What is required is that an application mentioning the legal representative should be filed in court. Delay in the service of summons owing to difficulty in ascertaining the address is sufficiently protected under the Civil Procedure Code.

No. 2825—*L. C., Bangalore dated 9th December* 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Transfer of Property Regulation for certain purposes is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to amend the Transfer of Property Regulation for certain purposes.

Short title and commencement.

Whereas it is expedient to amend the Transfer of Property Regulation, 1918, for the purposes hereinafter appearing; it is hereby enacted as follows :—

1. (1) This Regulation may be called the Transfer of Property (Amendment) Regulation, 193 .

(2) It shall come into force on the first day of .....

2. In section 3 of the Transfer of Property Regulation (hereinafter referred to as the said Regulation), for the last paragraph containing the definition of "notice," the following shall be substituted, namely :— Amendment of section 3.

"a person is said to have notice" of a fact when he actually knows that fact, or when, but for wilful abstention from an inquiry or search which he ought to have made, or gross negligence, he would have known it.

Explanation I.—Where any transaction relating to immovable property is required by law to be and has been effected by a registered instrument, any person acquiring such property or any part of or share or interest in, such property shall be deemed to have notice of such instrument as from the date of registration or, if the instrument has been registered under sub-section (2) of section 30 of the Mysore Registration Regulation, 1903, from the earliest date on which a memorandum there of has been filed by any Sub-Registrar under section 66 of that Regulation :

Provided that—

(1) the instrument has been registered and its registration completed in the manner prescribed by the Mysore Registration Regulation, 1903, and the rules made thereunder,

(2) the instrument has been duly entered or filed, as the case may be, in the books kept under section 51 of that Regulation, and

(3) the particulars regarding the transaction to which the instrument relates have been correctly entered in the indexes kept under section 55 of that Regulation.

Explanation II.—Any person acquiring any immovable property or any share or interest in any such property shall be deemed to have notice of the title, if any, of any person who is for the time being in actual possession thereof.

Explanation III.—A person shall be deemed to have had notice of any fact if his agent acquires notice thereof whilst acting on his behalf in the course of business to which that fact is material :

Provided that, if the agent fraudulently conceals the fact, the principal shall not be charged with notice

thereof as against any person who was a party to or otherwise cognizant of the fraud."

Amendment of section 5.

3. In section 5 of the said Regulation, after the words "*or to himself*" the words "*or to himself*" shall be inserted; and to the same section the following paragraph shall be added, namely:

"In this section 'living person' includes a company or association or body of individuals, whether incorporated or not, but nothing herein contained shall affect any law for the time being in force relating to transfer of property to or by companies, associations or bodies of individuals."

Amendment of section 6.

4. In section 6 of the said Regulation, after clause (*d*) the following clause shall be inserted, namely:—

"(dd) A right to future maintenance, in whatsoever manner arising, secured or determined, cannot be transferred."

Amendment of section 11.

5. For the second paragraph of section 11 of the said Regulation beginning with the words "nothing in this section" and ending with the words "in a particular manner" the following shall be substituted, namely:—

"Where any such direction has been made in respect of one piece of immovable property for the purpose of securing the beneficial enjoyment of another piece of such property, nothing in this section shall be deemed to affect any right which the transferor may have to enforce such direction or any remedy which he may have in respect of a breach thereof."

Amendment of section 15.

6. In section 15 of the said Regulation, for the words "as regards the whole class," the following words shall be substituted, namely:—

"in regard to those persons only and not in regard to the whole class."

Substitution of new sections for sections 16, 17 and 18.

7. For sections 16, 17 and 18 of the said Regulation, the following sections shall be substituted, namely:—

Transfer to take effect on failure of prior interest.

"16. Where by reason of any of the rules contained in sections 13 and 14, an interest created for the benefit of a person or of a class of persons fails in regard to such person or the whole of such class, any interest created in the same transaction and intended to take effect after or upon failure of such prior interest also fails.

"17. (1) Where the terms of a transfer of property direct that the income arising from the property shall be accumulated either wholly or in part during a period longer than— Direction for accumulation.

(a) the life of the transferor, or

(b) a period of eighteen years from the date of the transfer,

such direction shall, save as hereinafter provided, be void to the extent to which the period during which the accumulation is directed exceeds the longer of the aforesaid periods, and at the end of such last-mentioned period the property and the income thereof shall be disposed of as if the period during which the accumulation has been directed to be made had elapsed.

(2) This section shall not affect any direction for accumulation for the purpose of—

(i) the payment of the debts of the transferor or any other person taking any interest under the transfer, or

(ii) the provision of portions for children or remoter issue of the transferor or of any other person taking any interest under the transfer, or

(iii) the preservation or maintenance of the property transferred;

and such direction may be made accordingly.

"18. The restrictions in sections 14, 16 and 17 shall not apply in the case of a transfer of property for the benefit of the public in the advancement of religion, knowledge, commerce, health, safety, or any other object beneficial to mankind." Transfer in perpetuity for benefit of public.

8. In section 39 of the said Regulation— Amendment of section 39.

(a) the words "with the intention of defeating such right" shall be omitted, and for the words "of such intention" the word "thereof" shall be substituted; and

(b) the *illustration* shall be omitted.

9. In section 40 of the said Regulation for the words "of the latter property or to compel its enjoyment in a particular manner," the words "in a particular manner of the latter property" shall be substituted. Amendment of section 40.

Amendment of section 43.

10. In section 43 of the said Regulation, after the word "person" the words "fraudulently or" shall be inserted.

Amendment of section 52.

11. (1) In section 52 of the said Regulation—

(a) for the words "active prosecution" the word "pendency" shall be substituted;

(b) for the words "a contentious" the word "any" shall be substituted; and

(c) after the words "suit or proceeding," where they occur for the first time, the words "which is not collusive and" shall be inserted.

(2) To the same section the following *Explanation* shall be added, namely:—

"*Explanation.*—For the purposes of this section, the pendency of a suit or proceeding shall be deemed to commence from the date of the presentation of the plaint or the institution of the proceeding in a Court of competent jurisdiction, and to continue until the suit or proceeding has been disposed of by a final decree or order and complete satisfaction or discharge of such decree or order has been obtained, or has become unobtainable by reason of the expiration of any period of limitation prescribed for the execution thereof by any law for the time being in force."

Substitution of new section for section 53.

Fraudulent transfer.

12. For section 53 of the said Regulation, the following section shall be substituted, namely:—

"53. (1) Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be voidable at the option of any creditor so defeated or delayed.

Nothing in this sub-section shall impair the rights of a transferee in good faith and for consideration.

Nothing in this sub-section shall affect any law for the time being in force relating to insolvency.

A suit instituted by a creditor (which term includes a decree-holder whether he has or has not applied for execution of his decree) to avoid a transfer on the ground that it has been made with intent to defeat or delay the creditors of the transferor, shall be instituted on behalf of, or for the benefit of, all the creditors.

(2) Every transfer of immovable property made without consideration with intent to defraud a subsequent transferee shall be voidable at the option of such transferee.

For the purposes of this sub-section, no transfer made without consideration shall be deemed to have been made with intent to defraud by reason only that a subsequent transfer for consideration was made."

13. After section 53 of the said Regulation, the following section shall be inserted, namely :— Insertion of new section 53-A.

"53-A. Where any person contracts to transfer for consideration any immovable property by writing signed by him or on his behalf from which the terms necessary to constitute the transfer can be ascertained with reasonable certainty, Part Performance.

and the transferee has, in part performance of the contract, taken possession of the property or any part thereof, or the transferee being already in possession, continues in possession in part performance of the contract and has done some act in furtherance of the contract,

and the transferee has performed or is willing to perform his part of the contract,

then, notwithstanding that the contract, though required to be registered, has not been registered, or, where there is an instrument of transfer, that the transfer has not been completed in the manner prescribed therefor by the law for the time being in force, the transferor or any person claiming under him shall be debarred from enforcing against the transferee and persons claiming under him any right in respect of the property of which the transferee has taken or continued in possession, other than a right expressly provided by the terms of the contract;

Provided that nothing in this section shall affect the rights of a transferee for consideration who has no notice of the contract or of the part performance thereof."

14. In section 55 of the said Regulation— Amendment of section 55.

(*a*) in sub-clause (a) of clause (1), after the word "property" the words "or in the seller's title thereto" shall be inserted;

(*b*) in sub-clause (b) of clause (4), after the word "buyer," where it occurs for the second time, the words "any transferee without consideration or any transferee with notice of the non-payment," shall be inserted; and after the words "on such amount or part" the words "from the date on which possession has been delivered" shall be added; and

(c) in sub-clause (b) of clause (6), the words "with notice of the payment" shall be omitted.

Substitution of new section for section 56.

15. For section 56 of the said Regulation, the following shall be substituted, namely :—

Marshalling by subsequent purchaser.

"56. If the owner of two or more properties mortgages them to one person and then sells one or more of the properties to another person, the buyer is, in the absence of a contract to the contrary, entitled to have the mortgage-debt satisfied out of the property or properties not sold to him, so far as the same will extend, but not so far as to prejudice the rights of the mortgagee or persons claiming under him or of any other person who has for consideration acquired an interest in any of the properties."

Amendment of section 58.

16. In section 58 of the said Regulation, (a) to clause (c) the following proviso shall be added, namely :—

"Provided that no such transaction shall be deemed to be a mortgage, unless the condition is embodied in the document which effects or purports to effect the sale;"

(b) in clause (d)—

(i) after the words "Where the mortgagor delivers possession" the words "or expressly or by implication binds himself to deliver possession" shall be inserted;

(ii) for the words "and to appropriate them" the words "or any part of such rents and profits and to appropriate the same" shall be substituted; and

(iii) after the words "or partly in lieu of interest," for the word "and" the word "or" shall be substituted; and

(c) after clause (e) the following clauses shall be added, namely :—

"(f) The transaction is called a mortgage by deposit of title deeds where a person, in any area to which this provision may be extended by the Government by notification in the Official Gazette, delivers to a Bank or its authorized agent documents of title relating to immovable property with intent to create a security thereon and accompanied by a memorandum in writing signed by the debtor specifying such property and the amount of credit given or agreed to be given by the Bank on the security

of such property, provided that a copy of such memorandum under the seal of the Bank and the signature of its authorised agent is delivered or transmitted by registered post within ten days of the delivery to the bank as aforesaid of the memorandum, to every registering officer within whose district or sub-district the whole or any portion of such property is situated, or where a special registering officer is appointed or designated by Government in this behalf, to such registering officer and such registering officer shall thereupon file the copy in his Book No. 1.

Explanation.—"Bank" in this clause means an association or company with limited liability formed principally for the purpose of engaging on the business of banking and registered under the provisions of the law relating to companies for the time being in force in Mysore or in British India or in any other Indian State which may be notified by the Government in the Official Gazette in this behalf.

(*g*) A mortgage which is not a simple mortgage, a mortgage by conditional sale, an usufructuary mortgage, an English mortgage or a mortgage by deposit of title-deeds within the meaning of this section is called an anomalous mortgage."

Amendment of section 59.

17. In section 59 of the said Regulation—

(*a*) after the words "a mortgage" the words "other than a mortgage by deposit of title deeds" shall be inserted and

(*b*) the second paragraph and the *Explanation* shall be omitted.

Insertion of new section 59-A.

18. After section 59 of the said Regulation, the following section shall be inserted, namely:—

References to mortgagors and mortgagees to include persons deriving title from them.

"59-A. Unless otherwise expressly provided, reference in this Chapter to mortgagors and mortgagees shall be deemed to include references to persons deriving title from them respectively."

Amendment of section 60.

19. In section 60 of the said Regulation,

(*a*) for the word "payable" the word "due" shall be substituted;

(*b*) for the words "the mortgage-deed, if any, to the mortgagor" the following words shall be substituted, namely :—

"to the mortgagor the mortgage-deed and all documents relating to the mortgaged property which are in the possession or power of the mortgagee;"

(*c*) for the word "order" the word "decree" shall be substituted; and

(*d*) after the words "remaining due on the mortgage, except" the word "only" shall be inserted.

Insertion of new sections 60-A and 60-B.

20. After section 60 of the said Regulation, the following sections shall be inserted, namely :—

Obligation to transfer to third party instead of re-transference to mortgagor.

"60-A. (1) Where a mortgagor is entitled to redemption, then, on the fulfilment of any conditions on the fulfilment of which he would be entitled to require a re-transfer, he may require the mortgagee, instead of re-transferring the property, to assign the mortgage-debt and transfer the mortgaged property to such third person as the mortgagor may direct; and the mortgagee shall be bound to assign and transfer accordingly.

(2) The rights conferred by this section belong to and may be enforced by the mortgagor or by any encumbrancer notwithstanding an intermediate encumbrance, but the requisition of any encumbrancer shall prevail over a requisition of the mortgagor and, as between encumbrancers the requisition of a prior encumbrancer shall prevail over that of a subsequent encumbrancer.

(3) The provisions of this section do not apply in the case of a mortgagee who is or has been in possession.

Right to inspection and production of documents.

60-B. A mortgagor, as long as his right of redemption subsists, shall be entitled at all reasonable times, at his request and at his own cost and on payment of the mortgagee's costs and expenses in this behalf, to inspect and make copies or abstracts of, or extracts from, documents of title relating to the mortgaged property which are in the custody or power of the mortgagee."

Substitution of new section for section 61.

21. For section 61 of the said Regulation the following section shall be substituted, namely :—

Right to redeem separately or simultaneously.

"61. A mortgagor who has executed two or more mortgages in favour of the same mortgagee shall, in the absence of a contract to the contrary when the principal money of any two or more of the mortgages has become due, be entitled to redeem any one such mortgage

separately, or any two or more of such mortgages together."

22. In section 62 of the said Regulation— Amendment of section 62.

(a) after the word "property," where it first occurs, the words "together with the mortgage deed and all documents relating to the mortgaged property which are in the possession or power of the mortgagee" shall be inserted;

(b) for the words "the interest of the principal money" the words "or any part thereof a part only of the mortgage money," shall be substituted; and

(c) for the words "the principal money," where they occur for the second time, the words "the mortgage-money or the balance thereof" shall be substituted.

23. In section 63 of the said Regulation, for the words "at the same rate of interest" the words "with interest at the same rate as is payable on the principal, or where no such rate is fixed, at the rate of nine per cent per annum" shall be substituted. Amendment of section 63.

24. After section 63 of the said Regulation, the following section shall be inserted, namely:— Insertion of new section 63-A.

"63-A. (1) Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage, been improved, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled to the improvement; and the mortgagor shall not, save only in cases provided for in sub-section (2), be liable to pay the cost thereof. Improvements to mortgaged property.

(2) Where any such improvement was effected at the cost of the mortgagee and was necessary to preserve the property from destruction or deterioration or was necessary to prevent the security from becoming insufficient, or was made in compliance with the lawful order of any public servant or public authority, the mortgagor shall, in the absence of a contract to the contrary, be liable to pay the proper cost thereof as an addition to the principal money with interest at the same rate as is payable on the principal, or where no such rate is fixed, at the rate of nine per cent per annum, and the profits, if any, accruing by reason of the improvement shall be credited to the mortgagor.

(3) Notwithstanding anything in sub-section (1) a mortgagee may remove at any time whilst he is in possession of the property mortgaged, but not afterwards, all

things which he has attached to the earth, provided he leaves the property in the state in which he received it."

Amendment of section 64.

25. In section 64 of the said Regulation, the words "for a term of years" shall be omitted.

Amendment of section 65.

26. In section 65 of the said Regulation—

(*a*) in clause (d), the words "for a term of years" shall be omitted; and

(*b*) the words "Nothing in clause (c), or in clause (d), so far as it relates to the payment of future rent, applies in the case of an usufructuary mortgage" shall be omitted.

Insertion of new section 65 A.

27. After section 65 of the said Regulation, the following section shall be inserted, namely:—

Mortgagor's power to lease.

65-A. (1) Subject to the provisions of sub-section (2) a mortgagor, while lawfully in possession of the mortgaged property, shall have power to make leases thereof which shall be binding on the mortgagee.

(2) (*a*) Every such lease shall be such as would be made in the ordinary course of management of the property concerned, and in accordance with any local law, custom or usage.

(*b*) Every such lease shall reserve the best rent that can reasonably be obtained, and no premium shall be paid or promised and no rent shall be payable in advance.

(*c*) No such lease shall contain a covenant for renewal.

(*d*) Every such lease shall take effect from a date not later than six months from the date on which it is made.

(*e*) In the case of a lease of buildings, whether leased with or without the land on which they stand, the duration of the lease shall in no case exceed three years and the lease shall contain a covenant for payment of the rent and a condition of re-entry on the rent not being paid within a time therein specified.

(3) The provisions of sub-section (1) apply only if and as far as a contrary intention is not expressed in the mortgage-deed; and the provisions of sub-section (2) may be varied or extended by the mortgage-deed, and as so varied and extended, shall, as far as may be, operate in like manner and with all like incidents, effects and consequences, as if such variations or extensions were contained in that sub-section."

28. In section 67 of the said Regulation,— Amendment of section 67.

(a) for the word "payable" the word "due" shall be substituted;

(b) for the words "an order," wherever they occur, the words "a decree" shall be substituted; and

(c) for clause (a) the following clause shall be substituted, namely :—

"(a) to authorize any mortgagee, other than a mortgagee by conditional sale or a mortgagee under an anomalous mortgage by the terms of which he is entitled to foreclose, to institute a suit for foreclosure, or an usufructuary mortgagee as such, where he is authorized to appropriate the rents and profits or any part of such grants and profits in payment of the principal money or partly in lieu of interest or partly in payment of the principal money, or a mortgagee by conditional sale as such to institute a suit for sale; or."

29. After section 67 of the said Regulation, the following section shall be inserted, namely :— Insertion of new section 67A.

"67A. A mortgagee who holds two or more mortgages executed by the same mortgagor in respect of each of which he has a right ro obtain the same kind of decree under section 67, and who sues to obtain such decree on any one of the mortgages, shall, in the absence of a contract to the contrary, be bound to sue on all the mortgages in respect of which the mortgage-money has become due." Mortgagee when bound to bring one suit on several mortgages.

30. For section 68 of the said Regulation, the following section shall be substituted, namely :— Substitution of new section for section 68.

"68. (1) The mortgagee has a right to sue for the mortgage money in the following cases and no others, namely :— Right to sue for mortgage money.

(a) where the mortgagor binds himself to repay the same;

(b) where, by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property is wholly or partially destroyed or the security is rendered insufficient within the meaning of section 66, and the mortgagee has given the mortgagor a reasonable opportunity of providing further security enough to render the whole security sufficient, and the mortgagor has failed to do so;

(c) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor;

(d) where, the mortgagee being entitled to possession of the mortgaged property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any person claiming under a title superior to that of the mortgagor;

Provided that, in the case referred to in clause (a), a transferee from the mortgagor or from his legal representative shall not be liable to be sued for the mortgage-money.

(2) Where a suit is brought under clause (a) or clause (b) of sub-section (1), the Court may, at its discretion, stay the suit and all proceedings therein, notwithstanding any contract to the contrary, until the mortgagee has exhausted all his available remedies against the mortgaged property or what remains of it, unless the mortgagee abandons his security and, if necessary, retransfers the mortgaged property."

Amendment of section 71.

31. In section 71 of the said Regulation, the words "for a term of years" shall be omitted.

Amendment of section 72.

32. In section 72 of the said Regulation:—

(a) for the words "When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property, be" the words "A mortgagee" shall be substituted.

(b) clause (a) shall be omitted;

(c) in clause (b), for the words "its preservation" the words "the preservation of the mortgaged property" shall be substituted;

(d) after the words "nine per cent per annum," the following Proviso shall be inserted, namely:—

"Provided that the expenditure of money by the mortgagee under clause (b) or clause (c) shall not be deemed to be necessary unless the mortgagor has been called upon and has failed to take proper and timely steps to preserve the property or to support the title." and

(e) for the words "a charge on the mortgaged property, in addition to the principal money, with the same priority and with interst at the

same rate" the following shall be substituted, namely:—

"added to the principal money with interest at the same rate as is payable on the principal money, or, where no such rate is fixed, at the rate of nine per cent, per annum."

Substitution of new section for section 73.

33. For section 73 of the said Regulation, the following section shall be substituted, namely:—

"73. (1) Where the mortgaged property or any part thereof or any interest therein is sold owing to failure to pay arrears of revenue or other charges of a public nature or rent due in respect of such property, and such failure did not arise from any default of the mortgagee, the mortgagee shall be entitled to claim payment of the mortgage-money, in whole or in part, out of any surplus of the sale proceeds remaining after payment of the arrears and of all charges and deductions directed by law.

(2) Where the mortgaged property or any part thereof or any interest therein is acquired under the Land Acquisition Regulation, 1894, or any other enactment for the time being in force providing for the compulsory acquisition of immovable property, the mortgagee shall be entitled to claim payment of the mortgage-money, in whole or in part, out of the amount due to the mortgagor as compensation,

(3) Such claims shall prevail against all other claims except those of prior encumbrances, and may be enforced notwithstanding that the principal money on the mortgage has not become due."

Omission of sections 74 and 75.

34. Section 74 and section 75 of the said Regulation shall be omitted.

Amendment of section 76.

35. In section 76 of the said Regulation:—

(*a*) in clause (*c*), after the words "charges of a public nature" the words "and all rent" shall be inserted;

(*b*) in clause (*h*), after the words "deducting the expenses" the words "properly incurred for the management of the property and the collection of rents and profits and the other expenses" shall be inserted, and the words "on the principal-money" shall be omitted; and

(*c*) in clause (*i*), the word "gross" shall be omitted.

Omission of section 80.

36. Section 80 of the said Regulation shall be omitted.

Substitution of new section for section 81.

37. For sub-section (i) of section 81 of the said Regulation, the following section shall be substituted, namely:—

"81. (1) If the owner of two or more properties mortgages them to one person and then mortgages one or more of the properties to another person, the subsequent mortgagee is, in the absence of a contract to the contrary, entitled to have the prior mortgage-debt satisifed out of the property or properties not mortgaged to him, so far as the same will extend, but not so as to prejudice the rights of the prior mortgagee or of any other person who has for consideration acquired an interest in any of the properties."

Amendment of section 82.

38. In section 82 of the said Regulation:—

(a) for the first paragraph beginning with the words "Where several properties," and ending with the words "date of the mortgage" the following shall be substituted, namely:—

"Where property subject to a mortgage belongs to two or more persons having distinct and separate rights of ownership therein, the different shares in or parts of such property owned by such persons are, in the absence of a contract to the contrary, liable to contribute rateably to the debt secured by the mortgage, and, for the purpose of determining the rate at which each such share or part shall contribute, the value thereof shall be deemed to be its value at the date of the mortgage after deduction of the amount of any other mortgage or charge to which it may have been subject on that date" and

(b) in the third paragraph, for the word "second" the word "subsequent" shall be substituted.

Amendment of section 83.

39. In section 83 of the said Regulation:—

(a) for the words "has become payable" the words "payable in respect of any mortgage has become due" shall be substituted;

(b) for the words "if then in his possession or power" the words "and all documents in his possession or power relating to the mortgaged property" shall be substituted;

(c) after the word "mortgage-deed," where it occurs for the second time, the words "and all such other documents" shall be inserted; and

(*d*) the following paragraph shall be added after the words "such other person as aforesaid," namely :—

"Where the mortgagee is in possession of the mortgaged property, the Court shall, before paying to him the amount so deposited, direct him to deliver possession thereof to the mortgagor and at the cost of the mortgagor either to retransfer the mortgaged property to the mortgagor or to such third person as the mortgagor may direct or to execute and (where the mortgage has been effected by a registered instrument) have registered an acknowledgment in writing that any right in derogation of the mortgagor's interest transferred to the mortgagee has been extinguished."

Amendment of section 84.

40. In section 84 of the said Regulation :—

(*a*) after the words "from the date of the tender or" the words "in a case of a deposit, where no previous tender of such amount has been made," shall be inserted ;

(*b*) for the words "as the case may be" the following shall be substituted, namely :—

"and the notice required by section 83 has been served on the mortgagee :

"Provided that, where the mortgagor has deposited such amount without having made a previous tender thereof and has subsequently withdrawn the same or any part thereof interest on the principal money shall be payable from the date of such withdrawal ;" and

(*c*) after the words "tender of the mortgage-money" the words "and such notice has not been given before the making of the tender or deposit, as the case may be" shall be added.

Substitution of new section for section 91.

41. For section 91 of the said Regulation the following section shall be substituted, namely :—

Persons who may sue for redemption.

"91. Besides the mortgagor, any of the following persons may redeem, or institute a suit for redemption of, the mortgaged property, namely :—

(*a*) any person (other than the mortgagee of the interest sought to be redeemed) who has any interest in, or charge upon, the property mortgaged or in or upon the right to redeem the same ;

(b) any surety for the payment of the mortgage-debt or any part thereof; or

(c) any creditor of the mortgagor who has in a suit for the administration of his estate obtained a decree for sale of the mortgaged property."

Insertion of new sections 92, 93 and 94.

42. After section 91 of the said Regulation, the following sections shall be inserted, namely :—

Subrogation.

"92. Any of the persons referred to in section 91 (other than the mortgagor) and any co-mortgagor shall, on redeeming property subject to the mortgage, have, so far as regards redemption, foreclosure or sale of such property, the same rights as the mortgagee whose mortgage he redeems may have against the mortgagor or any other mortgagee.

The right conferred by this section is called the right of subrogation, and a person acquiring the same is said to be subrogated to the rights of the mortgagee whose mortgage he redeems.

A person who has advanced to a mortgagor money with which the mortgage has been redeemed shall be subrogated to the rights of the mortgagee whose mortgage has been redeemed, if the mortgagor has by a registered instrument agreed that such persons shall be so subrogated.

Nothing in this section shall be deemed to confer a right of subrogation on any person unless the mortgage in respect of which the right is claimed has been redeemed in full.

Prohibition of tacking.

93. No mortgagee paying off a prior mortgage, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his original security; and except in the case provided for by section 79, no mortgagee making a subsequent advance to the mortgagor, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his security for such subsequent advance.

Rights of mesne mortgagee.

94. Where a property is mortgaged for successive debts to successive mortgagees, a mesne mortgagee has the same rights against mortgagees posterior to himself as he has against the mortgagor."

Substitution of new sections for section 95.

43. For section 95 of the said Regulation the following sections shall be substituted, namely :—

"95. Where one of several mortgagors redeems the mortgaged property, he shall, in enforcing his right of subrogation under section 92 against his co-mortgagors, be entitled to add to the mortgage-money recoverable from them such proportion of the expenses properly incurred in such redemption as is attributable to their share in the property.

Right of redeeming co-mortgagor to expenses.

96. The provisions hereinbefore contained which apply to a simple mortgage shall, so far as may be, apply to a mortgage by deposit of title-deeds."

Mortgage by deposit of title-deeds.

44. In section 98 of the said Regulation, for the words "a mortgage not being a simple mortgage, a mortgage by conditional sale, an usufructuary mortgage or an English mortgage or a combination of the first and third, or the second and third, of such forms," the words "an anomalous mortgage" shall be substituted.

Amendment of section 98.

45. In section 100 of the said Regulation,

Amendment of section 100.

(*a*) for the words "as to a mortgagor shall, so far as may be, apply to the owner of such property, and the provisions of sections 81 and 82 shall, so far as may be, apply to the person having such charge" the words "which apply to a simple mortgage shall, so far as may be, apply to such charge," shall be substituted; and

(*b*) after the words "in the execution of his trust" the following words shall be added, namely:—

"and save as otherwise expressly provided by any law for the time being in force, no charge shall be enforced against any property in the hands of a person to whom such property has been transferred for consideration and without notice of the charge."

46. For section 101 of the said Regulation, the following section shall be substituted, namely:—

Substitution of new section for section 101.

"101. Any mortgagee of, or person having a charge upon immovable property, or any transferee from such mortgagee or charge-holder, may purchase or otherwise acquire the rights in the property of the mortgagor or owner, as the case may be, without thereby causing the mortgage or charge to be merged as between himself and any subsequent mortgagee of, or person having a subsequent charge upon, the same property; and no such subsequent mortgagee or charge-holder shall be entitled to foreclose or sell such property without redeeming the

No merger in case of subsequent encumbrance.

prior mortgage or charge, or otherwise than subject thereto."

Amendment of section 102

47. In section 102 of the said Regulation,

(*a*) for the words "Where the person or agent on whom such notice should be served cannot be found in the said district, or is unknown" the words "Where no person or agent on whom such notice should be served can be found or is known," shall be substituted;

(*b*) after the words "and any notice served in compliance with such direction shall be deemed sufficient" the following proviso shall be inserted, namely :—

"Provided that, in the case of a notice required by section 83, in the case of a deposit, the application shall be made to the court in which the deposit has been made."

(*c*) for the words "Where the person or agent to whom such tender should be made cannot be found within the said district, or is unknown" the words "Where no person or agent to whom such tender should be made can be found or is known," shall be substituted; and

(*d*) for the words "in such Court as last aforesaid" the words "in any Court in which a suit might be brought for redemption of the mortgaged property" shall be substituted.

Amendment of section 106.

48. In section 106 of the said Regulation, for the words "tendered or delivered either personally to the party who is intended to be bound by it," the following shall be substituted, namely :—

"either be sent by post to the party who is intended to be bound by it or be tendered or delivered personally to such party."

Amendment of section 107.

49. In section 107 of the said Regulation, after the words "by delivery of possession", where they first occur, the following paragraph shall be inserted, namely :—

"Where a lease of immovable property is made by a registered instrument, such instrument or, where there are more instruments than one, each such instrument shall be executed by both the lessor and the lessee."

Amendment of section 108.

50. In section 108 of the said Regulation.—

(*a*) in clause (*h*)

(*i*) after the words "the lessee may" the words "even after the determination of the lease" shall be inserted; and

(*ii*) for the words "during the continuance of the lease," the words "whilst he is in possession of the property leased but not afterwards," shall be substituted; and

(*b*) in clause (*o*), after the words "or fell" the words "or sell" shall be inserted, and after the words "or damage buildings," the words "belonging to the lessor or" shall be inserted.

Amendment of section 111.

51. In clause (*g*) of section 111 of the said Regulation.—

(*a*) the words "or the lease shall become void" shall be omitted;

(*b*) after the words "title in himself" the following shall be inserted, namely:—

"or (3) the lessee is adjudicated an insolvent and the lease provides that the lessor may re-enter on the happening of such event";

(*c*) for the words "either case" the words "any of these cases" shall be substituted; and

(*d*) for the words "does some act showing" the words "give notice in writing to the lessee of" shall be substituted.

Insertion of new section 114 A.

52. After section 114 of the said Regulation, the following section shall be inserted, namely:—

Relief against forfeiture in certain other cases.

"114-A. Where a lease of immovable property has been determined by forfeiture for a breach of an express condition which provides that on breach thereof the lessor may re-enter, no suit for ejectment shall lie unless and until the lessor has served on the lessee a notice in writing—

(*a*) specifying the particular breach complained of; and

(*b*) if the breach is capable of remedy, requiring the lessee to remedy the breach;

and the lessee fails within a reasonable time from the date of the service of the notice, to remedy the breach, if it is capable of remedy.

Nothing in this section shall apply to an express condition against the assigning, under-letting, parting with the possession, or disposing of the property leased, or to an express condition relating to forfeiture in case of non-payment of rent."

Substitution of new section for section 119

53. For section 119 of the said Regulation, the following section shall be substituted, namely:—

Right of party deprived of thing received in exchange.

"119. If any party to an exchange or any person claiming through or under such party is by reason of any defect in the title of the other party deprived of the thing or any part of the thing received by him in exchange, then, unless a contrary intention appears from the terms of the exchange, such other party is liable to him or any person claiming through or under him for loss caused thereby, or at the option of the person so deprived, for the return of the thing transferred, if still in the possession of such other party or his legal representative or a transferee from him without consideration."

Amendment of section 128.

54. In section 128 of the said Regulation, after the words "debts due by" the words "and liabilities of" shall be inserted.

Amendment of section 130.

55. In section 130 of the said Regulation :—

after the words "The transfer of an amicable claim" the words "whether with or without consideration" shall be inserted.

Saving clause.

56. Nothing in any of the following provisions of this Regulation namely sections 2, 6, 7, 12, 15, 16, 24, 27, clause (c) of section 28, sections 29, 30, 41, 47, 49, 51, 52, 53 and 55 shall be deemed in any way to affect—

(a) the terms of incidents of any transfer of property made or effected before the first day of.....

(b) the validity, invalidity, effect or consequences of anything already done or suffered before the aforesaid date,

(c) any right, title, obligation or liability already acquired, accrued or incurred before such date, or

(d) any remedy or proceeding in respect of such right, title, obligation or liability and nothing in any other provision of this Regulation shall render invalid or in any way affect anything already done before the first day of.....in any proceeding pending in a Court on that date; and any such remedy and any such proceeding as is herein referred to may be enforced, instituted or continued, as the case may be, as if this Regulation had not been passed.

Statement of Objects and Reasons.

The Transfer of Property Regulation in Mysore was passed in 1918 on the lines of the British Indian Act of 1882 and all amendments passed there up to 1918 were

taken into consideration. The British Indian Act has subsequently been amended largely by Act XX of 1929 which has made substantial changes in many sections and has set at rest points on which there have been conflicting decisions. It is considered desirable to adopt these amendments as some of them are beneficial and it is convenient not to have a law in this respect different from that in British India unless dictated by local conditions. A bill has accordingly been drafted.

In the bill it has been sought to remedy defects which have led to inconvenience or anomalous results and to incorporate new principles of importance which have been judicially recognised.

Special attention is, however, drawn to the following principles included in the bill :—

(1) Provision is made so that registration will amount to notice of the document registered:

(2) Constructive notice to an agent of a fact material to the course of business in which the agent is engaged will be notice of that fact to the principal. The agent must not have fraudulently concealed the fact from his principal:

(3) The validity of transfers in favour of a class, when some members of that class are unable to take, is recognised so that they may enure to the benefit of those members of the class who are capable of taking;

(4) The doctrine of part performance is recognised. By this doctrine the transferee is protected where the contract to transfer is followed by part performance and the contract is made enforceable even though the contract is not registered. At the same time, care is taken to see that the law of registration is not evaded;

(5) In a mortgage by conditional sale, the condition must be embodied in the same deed;

(6) Provision is made to require the mortgagee to transfer, when so required, the mortgage debt to a third person named by the mortgagor;

(7) It is made clear that the mortgagor has a right to inspect and take copies of the documents of title relating to the mortgaged property which are in the possession of the mortgagee;

(8) It is also made clear that the mortgagor has the option to redeem several mortgages to the same mortgagee separately or simultaneously;

(9) There is no express provision in the Regulation allowing a mortgagee to make necessary improvements to the mortgaged property. This is now provided for:

(10) Statutory recognition is given to the mortgagor's power to lease so as to bind the mortgagee subject to certain safeguards;

(11) Remedy of foreclosure is abolished in the case of all mortgages except a mortgage by conditional sale or an anamolous mortgage providing expressly for foreclosure;

(12) Mortgagee is obliged to enforce several mortgages by the same mortgagor simultaneously in the absence of contract to the contrary;

(13) Provision is made for the court to stay a suit for enforcing the personal remedy against the mortgagor till the mortgagee has exhausted his remedies against the mortgaged property;

(14) The principle of subrogation is extended so that all persons who have an interest in the mortgaged property except the mortgagor will be entitled to be substituted in the place of the creditor who is paid off;

(15) The law of merger is modified so that the creditor may have the benefit of keeping his own incumbrance as well as those which he has paid off alive against subsequent incumbrances;

(16) Leases will be required to be executed by both parties.

Notes on Clauses.

Clause 2.—Notice as defined in section 3 includes both actual and constructive notice. This gave rise to a conflict of decisions in British India whether registration of a document is of itself constructive notice of the transaction effected by the document. Since the system of registration has been in existence in the State for over 70 years and is of general application, one of the objects for which instruments are required to be registered would be defeated if registration is to be held as not implying notice. Under the Transfer of Property Regulation most of the transfers of immovable property have to be effected by registered instruments and some few where property is of low value are allowed to be effected by delivery of possession. The means of search in registration offices are within the powers of a person taking a transfer. It is therefore desirable that express provision should be made in the Regulation itself making it clear that registration

of an instrument relating to immovable property amounts to notice of the instrument from the date of the instrument or from the date on which a memorandum of a registered instrument has been filed by a Sub-Registrar in whose jurisdiction a property is situated when it has been registered in another jurisdiction. This is provided for in Explanation I of the definition of "Notice."

Explanation II provides that the person dealing with any immovable property shall be deemed to have notice of the title of the person who for the time being is in actual possession. There was some uncertainty in regard to this. It does not seem reasonable that a person entering into a transaction relating to immovable property should ignore the question of possession or neglect to inquire into the title of the person in actual possession of such property. Notice in this case is not extended to possession which is merely of a constructive nature.

The last portion of the existing definition of notice which relates to notice through an agent is defective in as much as it may be construed as being restricted to cases of express notice. Explanation III amends the law as to notice to an agent by widening the definition so as to include a fact of which the agent has notice whether express or constructive. This is in accordance with the well-established principle that the agent stands in the place of his principal with reference to the business on hand so that his acts and knowledge are the acts and knowledge of his principal. If notice to the agent whether actual or constructive is not made notice to the principal, notice may be avoided in every case by employing agents. In the amendment there are safeguards to the effect that the notice must be of a fact which is material to the course of the business in which the agent is engaged, and that the agent must not fraudulently have concealed the fact from his principal.

Clause 3.—This provides for the case where a man makes a settlement of his property in trust and constitutes himself as a trustee. An explanation has been added to make it clear that the words "living person" include corporations and other associations of persons.

Clause 4.—A right to receive maintenance is a personal right and it is in accordance with public policy that these rights which are generally created for the maintenance or personal enjoyment of a qualified owner should

not be alienable. Hence a new clause is added to section 6. This does not apply to arrears of maintenance which have accrued due.

Clause 5.—Sections 11 and 40 of the Regulation refer to affirmative and negative covenants in a transfer. Section 11 refers to rights as between a transferor and a transferee while section 40 relates to the rights of third parties against transferees. The words "to compel its enjoyment" used in the second paragraph of section 11 and in the first paragraph of section 40 indicate that affirmative covenants for the beneficial enjoyment of one piece of the property of which the other piece has been transferred can in all cases be enforced and this is based on the principle in the English case of Tuck *VS* Moxhay. But later English decisions which have been followed in India made it clear that only covenants of a negative character and imposing no pecuniary obligatiou can be enforced under the rule in Tuck's case against purchasers from the transferee or covenantor. It is therefore proposed to amend the second paragraph of section 11 and the first paragraph of section 40 so as to make it clear that, although an affirmative covenant is not by itself invalid as between a transferor and a transferee (Section 11) negative or restrictive covenants only can be specifically enforced against a purchaser from a transferee.

Clause 6.—Section 15 is so amended as to make a gift to a class, some of whom are or may be incapacitated from taking, enure for the benefit of those members of the class who are capable of taking. This is in accordance with the tendency of decisions later than Leake *vs.* Robinson, the rule in which was embodied in present section 15.

Clause 7.—The amendment of section 15 renders a reference to that section in section 16 unnecessary. But provision is however made for the case where a transfer fails as to all the members of the class by reason of the rules in sections 13 and 14.

Section 18 relates to the rule against accumulations and allows accumulations for a period of one year only in certain cases. In England, the Thellusson Act allowed a much longer period. Even in India in cases which were not governed by section 18, the rule followed was that if there was nothing illegal or unreasonable in a direction to accumulate, such direction should be given effect to. It

is desirable to allow accumulations for longer periods to lay down definitely on the lines of the English law the periods and the objects for which a condition as to accumulation should be held valid. It is also desirable to accept certain well recognised exceptions in law such as those relating to provisions for the payment of debts, raising portions for children and the repairs to the property transferred. The restrictions contained in sections 14 and 16 and also the restrictions as to accumulations under section 18 should not apply to charities. section 18 dealing with accumulations should come after section 16 and it is numbered 17. The present section 17 which deals with charities is numbered 18.

Clause 8.—Section 39 now provides that a right to receive maintenance or a provision for advancement or marriage from the profits of immovable property can be enforced against the transferee if the transfer has been made with the intention of defeating the right and the transferee has notice of the intention. In actual practice it will be very difficult to adduce proof of mere intention. As it is desirable to protect persons entitled to maintenance or for whom provision for advancement has been made, it is necessary that the section be amended so that there may be no necessity to refer to the transferor's intention to defeat or for the transferee to be aware of such intention. As the illustration to the section is not consistent with the section as it does not make any reference to the intention of transferor, it is omitted.

Clause 9.—The amendment makes it clear that only negative or restrictive covenants can be specifically enforced against a third person as has been explained in the note to clause 5.

Clause 10.—This makes it clear that erroneous representation may either be innocent or tainted with fraud.

Clause 11.—The use of words "active prosecution" and "contentious" has given rise to difficulties in construing section 52. It has given room for a difference of view as to when a suit may be said to be in active prosecution and when it may be said to be contentious. The word "pendency" is therefore substituted for "active prosecution" and the word "contentious" omitted. An explanation is added to make it clear when the pendency of a suit or proceeding shall be deemed to commence and

when it shall be deemed to end. Collusive suits are excluded as they are not really suits at all, but merely a pretence. Further to attract the doctrine of *lis pendens* the suit must be pending in a court of competent jurisdiction and this has been made clear in the explanation.

Clause 12.—The section has been remodelled. The first paragraph of the old section referred both to transfers made with intent to defraud creditors and to transfers made in fraud of other transferees. It is desirable to split the section into two parts, sub-section (1) referring to creditors and sub-section (2) to other transferees, on the lines of the English law of Property Act, 1925. This division eliminates two difficulties in the construction of the present section. The first difficulty is that paragraph 3 can hardly apply to a case of contest between a prior voluntary transfer and a subsequent transfer for consideration. The second difficulty is in the use of the words "may be presumed" in the second paragraph which are being interpreted in different ways in the two cases. This inconsistency has been removed by the division of the section into two parts and the inclusion of a special provision in the last paragraph of the second sub-section for cases of conflict between a transfer without consideration and a subsequent transfer with consideration.

Paragraph 2 of present section 53 lays down a rule of evidence which has also given rise to considerable difficulty in interpretation. The general trend of decisions was that the court should decide in each case whether on all the circumstances the intention of the transferor was to defraud, defeat or delay his creditors and this is also the course of legislation. It is therefore proposed to delete para 2 of section 53 and to have the determination of the question of intent to be dealt with according to the ordinary rules of evidence.

The reference to prior 'transferees and co-owners or other persons having an interest' is superfluous as it is not clear in what cases they can be defeated by a subsequent voluntary transfer. The corresponding words have therefore been omitted.

It has been provided that the law of insolvency shall not be affected. To protect the transferee from being exposed to a multiplicity of suits, it is desirable to provide that a suit by a creditor must be a representative suit on behalf of all the creditors, and accordingly paragraph 3 has been inserted in sub-section (1).

Clause 13.—Courts have been applying the equitable doctrine of part performance to cases of transfer which have not been validated by registration on the ground that when one party has executed his part of the agreement in the confidence that the other party would do the same, it would be inequitable and a fraud, if the latter should refuse, to suffer this refusal to work to the prejudice of the former. Ignorant transferees in the country who have partly performed the contract require some measure of protection. Statutory recognition is therefore given by this clause to the doctrine of part performance. At the same time certain safeguards as mentioned below are provided in order that the law of registration may not be evaded and that the introduction of the doctrine does not lead to perjuries and frauds which it is the object of the doctrine to prevent.

(1) It is provided that the agreement should be in writing.

(2) The transferee should take possession of the property or if already in possession should, in addition to continuing in possession, do some act in furtherance of the contract.

(3) The transferor is debarred from enforcing against a transferee any right except such as are expressly provided by the contract. The mutual covenants will be operative though no title has passed. This will necessitate the completion of the transfer according to law by execution and registration in order that the transferee may get a marketable title. Thus the law of registration will not be evaded.

(4) There is a further safeguard in that the equities arising out of part performance may not affect the rights of a transferee for value without notice. It would be necessary therefore for the first transferee to have his transfer perfected according to law by registration and thereby acquire an indefeasible title.

Clause 14.—The expression "material defect" in section 55 (1) (a) has been held to include a defect in the title of the seller. Statutory effect is given to this decision by inserting the words "as in the seller's title thereto."

In sub-clause (b) of clause (4) of the same section, the unpaid seller's charge available against the buyer is made enforceable not only against the buyer but against a

transferee from the buyer with notice of the non-payment or a gratuitous transferee, as such lien could otherwise have been defeated by the buyer parting with the property. This clause is also silent as to the date from which interest on the unpaid purchase money should run. It is but fair that interest should run from the date when the buyer is put in possession.

Sub-clause (b) of clause (6) of the same section provides that a buyer's lien for price prepaid can be enforced against the seller and other persons claiming under him with notice of the payment. Gratuitous transferees and legal representatives of the seller could escape liability by pleading that they had no notice. It is proposed to amend the clause by omitting the words "with notice of the payment" so as to permit of the buyer's lien for price prepaid being enforced against all persons claiming under the seller.

Clause 15.—Section 56 as amended provides for the right of marshalling being enforced not only against the seller but also against the mortgagee of the seller.

Clause 16.—It is very often difficult to distinguish a mortgage by conditional sale from sales with a condition of repurchase. The nature of the transaction can only be determined by finding out the intention of the parties. In order to avoid the difficulty it is desirable to lay down a statutory test by which the intention is to be gathered. A proviso is added to clause (c) of section 58 to the effect that no transaction shall be deemed to be a mortgage by conditional sale unless the condition is embodied in the document purporting to effect the sale.

In sub-clause (*d*) it is made clear that a case where a mortgagee who is entitled to possession but has not received possession or a case where the mortgagee is entitled to appropriate a portion only of the income is a usufructuary mortgage. The definition of a mortgage by deposit of title deeds which is now in section 59 and the definition of an anomalous mortgage which is now in section 98 are brought under Section 58 which contains the definitions of the several kinds of mortgages. The term Bank has been extended so as to include foreign Banks working in Mysore to enable them also to deal in mortgages by deposit of title deeds.

Clause 17.—These amendments are consequential on the transfer of the definition of a mortgage by deposit of title deeds to section 58.

Clause 18.—This makes it clear that the words "mortgagor" and "mortgagee" include all persons deriving title under them.

Clause 19.—The word "payable" gave rise to a diversity of opinion and it was held in some cases that a mortgagor could redeem before the period stipulated for redemption. The contrary view which is the better one is that the mortgagor cannot redeem before the mortgage money has become due. In order to remove the doubt, the word "due" has been substituted for the word "payable."

It is also made clear that on redemption a mortgagee should deliver not only the mortgage deed but all documents in his possession relating to the mortgage. The word "decree" has been substituted for the word "order" as the old practice of passing orders absolute has been abolished. By the addition of the word "only" in the last paragraph, it is made clear that the case mentioned therein is the only exception to the rule of the indivisibility of a mortgage.

Clause 20.—Provision is made to require the mortgagee at the instance of the mortgagor to assign the mortgage to a third person. New section 60-B recognises the right of the mortgagor to inspect and take copies of the documents of title in the possession of the mortgagee.

Clause 21.—The wording of the section has been recast so as to make it clear that it is left to the option of the mortgagor to redeem any one or more of the mortgages.

Clause 22.—These amendments are in consonance with the amendments to sections 60 and 58 (*d*).

Clause 23.—Provides for cases where the mortgage deed is silent as to the rate of interest.

Clause 24.—Since there is no express provision in the Regulation dealing with improvements to the mortgaged property, this section has been added. The mortgagee will be entitled to compensation when the improvements are made to preserve the property from deterioration or to prevent the security from becoming insufficient. Provision is made for a mortgagee in possession to remove fixtures as a lessee can do.

Clause 27.—In the absence of an express provision in the Regulation, the question is raised whether the mortgagor in possession is competent to grant a lease of

the mortgaged property during the continuance of the mortgage and whether such a lease is binding on the mortgagee. It is therefore proposed to expressly provide that the mortgagor shall, subject to the express conditions of the mortgage deed, be entitled to grant a lease of the mortgaged property. Certain restrictions are however imposed to safeguard the interests of the mortgagee.

Clause 28.—It is desirable that the drastic remedy of foreclosure is used only in exceptional cases. It is therefore proposed to confine the remedy to the case of a mortgagee by conditional sale or of a mortgagee under an anomalous mortgage whereby the express terms of which the parties have stipulated for foreclosure, and to disallow it in other cases.

Clause 29.—When a mortgagee holds several mortgages in respect of the same or different properties, it will be prejudicial to the mortgagor if the mortgagee is allowed to enforce one mortgage and keep the other mortgages alive. The principle of consolidation is proposed to be applied to the mortgagee and he should enforce all the mortgages or none at all unless there is a contract to the contrary.

Clause 30.—The section has been recast so as to remove certain doubts that had arisen. The personal remedy declared by section 68 is additional to the remedies provided in section 67 and this concurrent remedy sometimes leads to abuse. It is therefore proposed to provide that in clauses (*a*) and (*b*) of sub-section (1) the mortgagee should exhaust all his available remedies against the mortgaged property before he seeks to pursue the personal remedy against the mortgagor unless the mortgagee abandons his security.

Clause 32.—It is equitable that a mortgagee though not in possession should be entitled to spend such money as may be necessary for the purposes mentioned in section 72.

The purpose in clause (*a*) is transferred to section 76 (*h*) which relates to a mortgagee in possession.

Clause 33.—The new section extends to cases of sale for arrears of other charges of a public nature and of acquisition under the Land Acquisition Regulation. The word "charge" is also avoided as it relates to immovable property and is enforceable as a simple mortgage. The mortgagee will be entitled to claim payment out of the

surplus fund or compensation money. Provision is also made for priorities.

Clause 34.—Sections 74 and 75 are deleted and the incidents therein which are based on the principle of subrogation are embodied in new sections 92 and 94.

Clause 36.—The principle of tacking embodied in section 80 is transferred to section 93 to come after 'subrogation.'

Clause 37.—The change is merely verbal.

Clause 38.—The principle of contribution is made applicable by this amendment to cases where the mortgaged property is subsequently divided into distinct and separate portions held in severalty. It further fixes the date of the mortgage as the date at which the valuation for the purpose of contribution should be made.

Clause 39.—Provision is made requiring the mortgagee to file all documents of title and also a draft reconveyance or an acknowledgment before he is entitled to draw the money.

Clause 40.—A proviso has been added making it clear that where the mortgagor has deposited the amount without a previous tender and has subsequently withdrawn it, interest shall be payable from date of withdrawal. It is not reasonable that the mortgagor should withdraw the money and at the same time get the benefit of cessation of interest.

Clause 41.—Section 91 has been remodelled omitting what is considered superfluous and combining the clauses where suitable. An attachment does not create an interest and there is no reason why an attaching creditor should have the right of redemption.

Clause 42.—Sections 74 and 75 have been omitted and the principle of subrogation is provided for in the new section 92 and applied to all persons having an interest in the mortgaged property, *i.e.*, all those referred to in section 91 as having the right of redemption. The section gives a full and extended expression to the doctrine of subrogation. A person advancing money for redeeming a mortgage is given the right of subrogation, but it is provided that the payment should however have been made under an agreement to subrogate reduced to writing and registered.

As the principle of tacking is closely allied to that of subrogation, section 80 is renumbered as 93 and placed after section 92.

Section 94 provides for the doctrine of foreclosing down which was partly contained in section 75.

Clause 44.—As there is no clear provision regarding the rights and liabilities of parties to a mortgage by deposit of title deeds, section 96 has been added.

Clause 45.—There has been a doubt whether a charge can be enforced against a transferee for consideration without notice. It is made clear that it cannot be enforced against such transferees.

Clause 46.—It may generally be taken to be the intention of a creditor and to his benefit to keep his own incumbrances as well those which he has paid off alive. The section is accordingly amended.

Clause 48.—Service by post is a recognised mode of service, and provision is made for serving a notice by post.

Clause 49.—Since a lease contains covenants both on the part of the lessor and the lessee, it is desirable that it should be executed by both.

Clause 52.—There is no provision now for relief against forfeiture where it accrues on breach of an express condition which provides that on breach thereof the lessor may re-enter although the breach may be capable of easy remedy. It is desirable that such a provision should be introduced here.

Clause 53.—The section is widened in its scope. It provides for the rights of the transferee also. It is also provided that the party can get back the thing transferred only if it is still in the possession of the other party.

Clause 56.—In this clause the provisions of the bill which are not to have retrospective operation are specified.

No. 2826—*L. C., Bangalore dated 9th December* 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to supplement the Transfer of Property (Amendment) Regulation is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

A Bill to supplement the Transfer of Property (Amendment) Regulation.

Whereas by reason of the passing of the Transfer of Property (Amendment) Regulation it is expedient that certain amendments should be made in certain other enactments; it is hereby enacted as follows:—

1. (1) This Regulation may be called *the Transfer of Property (Amendment) Supplementary Regulation, 193* . Short title and commencement.

(2) It shall come into force on the 1st day of .....

2. After section 27 of the specific Relief Act, 1877, as in force in Mysore, the following section shall be inserted, namely:— Insertion of new Section 27-A. in Specific Relief Act.

"27-A. Subject to the provisions of this Chapter, where a contract to lease immovable property is made in writing signed by the parties thereto or on their behalf, either party may, notwithstanding that the contract, though required to be registered, has not been registered, sue the other for specific performance of the contract if,— Specific performance in case of part performance of contract to lease.

(*a*) where specific performance is claimed by the lessor, he has delivered possession of the property to the lessee in part performance of the contract; and

(*b*) where specific performance is claimed by the lessee, he has in part performance of the contract, taken possession of the property, or being already in possession, continues in possession in part performance of the contract, and has done some act in furtherance of the contract;

Provided that nothing in this section shall affect the rights of a transferee for consideration who has no notice of the contract or of the part performance thereof.

This section applies to contracts to lease executed after the first day of ."

3. (1) In section 17 of the Mysore Registration Regulation, 1903,— Amendment of Registration Regulation.

(*a*) after clause (*d*) the following clause shall be added, namely:—

"(*dd*) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards to or in immovable property"; and

(*b*) in clause (*j*) for the words "and awards" the words "except decrees or orders expressed to be made on a compromise and comprising immovable property other than that which is the subject matter of the suit or proceeding" shall be substituted.

(2) In section 48 of the same Regulation, after the words "or followed by delivery of possession" the following words shall be added, namely:—

"and the same constitutes a valid transfer under any law for the time being in force:

Provided that a mortgage by deposit of title deeds as defined in section 58 of the Transfer of Property Regulation shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property."

(3) In section 49 of the same Regulation—

(*a*) after the word and figures "section 17" the words "or by any provision of the Transfer of Property Regulation" shall be inserted; and

(*b*) to that section the following proviso shall be added, namely:—

"Provided that an unregistered document affecting immovable property and required by this Regulation or the Transfer of Property Regulation to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, as in force in Mysore, or as evidence of part performance of a contract for the purposes of section 53-A of the Transfer of Property Regulation or as evidence of any collateral transaction not required to be effected by registered instrument."

Amendment of Indian Succession Act.

4. (1) In section 102 of the Indian Succession Act, 1865, as in force in Mysore.

(*a*) for the words "wholly void" the words "void in regard to those persons only and not in regard to the whole class" shall be substituted;

(*b*) in *Illustration* (*a*) for the words "and, as it is given to all his children as a class, it is not good as to any division of that class, but is wholly void" the following words shall be substituted, namely :—

"and in regard to those who do not attain the age of 25 within 18 years after A's death, but is operative in regard to the other children of A"; and

(*c*) in *Illustration* (*b*), for the words "The mention of B, C and D by name does not prevent the bequest from being regarded as a bequest to a class, and the bequest is wholly void" the following words shall be substituted, namely :—

"Although the mention of B, C and D does not prevent the bequest from being regarded as a bequest to a class, it is not wholly void. It is operative as regards any of the children B, C or D, who attains the age of 25 within 18 years after A's death."

(2) for section 103 of the same Act, the following section shall be substituted, namely :—

Bequest to take effect on failure of prior bequest.

"103. Where by reason of any of the rules contained in sections 100 and 101 any bequest in favour of a person or of a class of persons is void in regard to such person or the whole of such class, any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest is also void."

(3) For section 104 of the same Act and the *Illustration* thereto, the following section shall be substituted, namely :—

Effect of direction for accumulation.

"104. (1) Where the terms of a will direct that the income arising from any property shall be accumulated either wholly or in part during any period longer than a period of eighteen years from the death of the testator, such direction shall, save as hereinafter provided, be void to the extent to which the period during which the accumulation is directed exceeds the aforesaid period, and at the end of such period of eighteen years the property and the income thereof shall be disposed of as if the period during which the accumulation has been directed to be made had elapsed.

(2) This section shall not affect any direction for accumulation for the purpose of—

(i) the payment of the debts of the testator or any other person taking any interest under the will, or

(ii) the provision of portions for children or remoter issue of the testator or of any other person taking any interest under the will, or

(iii) the preservation or maintenance of any property bequeathed;

and such direction may be made accordingly."

Savings.

5. Nothing in this Regulation shall be deemed to affect—

(*a*) the terms or incidents of any transfer or disposition of property made or effected before the first day of .....

(*b*) the validity, invalidity, effect or consequences of anything already done or suffered before the aforesaid date;

(*c*) any right, title, obligation or liability already acquired, accrued or incurred before such date;

(*d*) any remedy or proceeding in respect of such right, title, obligation or liability; or

(*e*) anything done in the course of any proceeding pending in any Court on the aforesaid date;

and any such remedy or proceeding may be enforced, instituted or continued, as the case may be, as if this Regulation had not been passed.

Statement of Objects and Reasons.

Consequent on the amendments proposed to the Transfer of Property Regulation, it has become necessary to introduce amendments to (1) Specific Relief Act, (2) Registration Regulation, (3) Succession Act, (4) Limitation Regulation and (5) Code of Civil Procedure.

Amendments to the Specific Relief Act give effect to the principle of part performance embodied in the new section 53-A of the Transfer of Property Regulation.

Registration Regulation is amended so that assignments of decrees, orders and awards relating to immovable property may be always registered. Courts will be empowered to admit unregistered documents in evidence in giving effect to the doctrine of part performance.

Succession Act is amended in conformity with the amendments to sections 15 to 18 of the Transfer of Property Regulation.

Amendment to the Limitation Regulation providing for a period of limitation governing suits to recover the money due on a mortgage by the deposit of title deeds is included in the Bill to amend the Limitation Regulation proposed to be introduced.

The amendments to the Code of Civil Procedure relate to Order XXXIV of the First Schedule thereto and the forms in Appendix D. These may, in due course, be made by the High Court itself under their rule-making power, and they are not therefore included in the bill.

Detailed explanations of the several clauses are given below:

NOTES ON CLAUSES.

Clause 2.—Consequent on the statutory recognition of part performance in section 53-A of the Transfer of Property Regulation, it is necessary to insert a new section in the Specific Relief Act providing for specific performance in cases where the doctrine of part performance is applicable.

Clause 3.—Amendment of the Registration Regulation: A new clause *(dd)* is inserted in section 17 of the Registration Regulation so as to make it definite that the assignment of a mortgage decree requires registration on the ground that the right to sell immovable property which is given by the assignment is a right or interest in the property.

Clause (j) of section 17 is amended so that the exemption from registration will not apply to decrees and orders expressed to be made on a compromise and comprising immovable properties outside the scope of the suit or proceeding as it would otherwise lead to hardships.

The word 'awards' is also omitted as non-registration of awards affecting immovable property creates the same hardship.

It is proposed to amend section 48 of the Registration Regulation so as to make it clear that only those transactions which can validly be made by an oral agreement and by delivery of possession according to the provisions of any law for the time being in force and also mortgages by deposit of title deeds cannot be supplanted by subsequent registered instruments.

The doctrine of part performance having been recognised, unregistered documents have to be admitted in evidence to prove part performance. Hence section 49 of the Registration Regulation is amended. It is also made clear that documents which require to be registered but have not been registered can be admitted in evidence for a collateral purpose.

Clause 4.—The amendments proposed in this clause to the Succession Act are consequential upon those proposed to be made in Sections 15, 16 and 18 of the Transfer of Property Regulation.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATIONS.

No. P. 3120—Cts. 100-37-2, dated Bangalore, the 16th December 1937.

In exercise of the power conferred by Sections 269 and 274 of the Code of Criminal Procedure, 1904, Government are pleased to direct that from and after 1st February 1938 until further orders the trial before the Courts of Session of the Mysore and Shimoga Divisions of the offences hereunder setforth and of all abetments of and attempts to commit those offences or any of them and committed in the Districts of Hassan and Chitaldrug shall be by a jury consisting of five persons, *viz.*—

The offences made punishable by Sections 379, 382, 384 to 389, 392 to 395, 397 to 402, 411, 412, 414, 426 to 440 and 447 to 462 of the Indian Penal Code.

The trial of these offences and of abetments and attempts to commit them shall, if the presiding judge so directs, be by jurors summoned from a Special Jury list.

By Order,
B. T. KESAVIENGAR,
Chief Secretary to Government.

No. D. 4436—J. S. 32-36-11, dated Bangalore, the 16—20th December 1937.

In exercise of the powers conferred on them by Section 71(1) of the Mysore Partnership Act VI of 1936, the Government of His Highness the Maharaja are pleased to issue the following rule, the draft rule in the said behalf having been notified with Notification No. D. 3062—J. S. 32-36-7, dated 16th August—1st September 1937, and published at page 231 of Part IV of the *Mysore Gazette*, dated the 9th September 1937.

"The fees which shall accompany documents sent to the Registrar of Firms, or which shall be payable for the inspection of documents in the custody of the Registrar of Firms or for copies from the Registrar of Firms, shall be the maximum fee specified in Schedule I to the Act."

No. D. 4438—*J. S.* 32-36-12, *dated Bangalore,* 16—20*th December* 1937.

In exercise of the powers conferred on them by Section 71 (2) of the Mysore Partnership Act VI of 1936, the Government of His Highness the Maharaja are pleased to issue the following rules, the draft rules in the said behalf having been notified with Notification No. D. 2060—J. S. 32-36-6, dated 30th August—1st September 1937, and published at pages 221-230 of Part IV of the *Mysore Gazette*, dated the 9th September 1937.

APPENDIX.

Any suggestions received after the due date shall not receive consideration.

The Mysore Partnership (Registration of Firms) Rules, 1937.

Short title.

These rules may be called the "Mysore Partnership (Registration of Firms) Rules, 1937."

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context.—

(*a*) The Regulation means the Mysore Partnership Regulation, 1936; and

(*b*) Registrar means the Registrar of Firms.

Form and verification of statements under Sections 58 and 60.

3. The statements submitted to the Registrar under Sections 58 and 60 of the Regulation shall respectively be in Forms I and II annexed to these rules and shal be verified in the manner indicated therein.

Form of intimations and notices under Sectons 61, 62 and 63.

4. Intimations and notices under Sections 61, 62 and 63 (2) of the Regulation shall respectively be in Forms III, IV, V and VI annexed to these rules with such variations as circumstances may require.

Register of Firms.

5. The Register of Firms shall be in Form A annexed to these rules. The name of and the particulars relating to each firm shall be entered therein in the order of its registration on a separate page or pages. Each firm shall be assigned a number in a consecutive series

commencing and ending with the calendar year. A note of every document filed shall be entered in the register in the page or pages allotted to the firm concerned and shall be signed by the Registrar.

Amendment of entries in Register.

6. When an entry made in the Register of Firms is to be amended, the amendment shall be shown by means of a suitable note in the remarks column opposite to the entry concerned, and the new entry shall be made at the end of the existing entry or entries with suitable cross references.

Protest against entries in Register.

7. Where any partner or other person interested makes a protest in writing to the Registrar disputing any entry made in the Register of Firms, the Registrar shall record such protest and make a reference thereto in red ink in the remarks column against the disputed entry.

The Registrar's powers of inquiry and investigation.

8. The Registrar may, in case of dispute, institute such inquiries or make such investigation as may, in his opinion, be necessary for the proper performance of his duties under the Regulation.

Index to Register of Firms.

9. (a) An index to the Register of Firms shall be prepared in English on loose sheets lettered alphabetically and shall contain the particulars shown in Form B annexed to these rules. A fresh index shall be prepared for each calendar year. The name of each firm shall be indexed as soon as the entries relating thereto are made in the Register of Firms.

(b) After all the firms registered in a year have been indexed, the index shall be checked by the Registrar who shall add a certificate in token of such check and the pages shall then be numbered in ink.

(c) The index for each year shall, after it has been checked, be bound into volumes of convenient size.

Acknowledgment of registration and documents.

10. (a) Upon the registration of a firm the Registrar shall grant to the firm an acknowledgment in Form C annexed to these rules and on the filing of any documents required to be filed under the Regulation, he shall grant to the person at whose instance it is filed an acknowledgment in Form D annexed to these rules.

(b) On every document filed under the Regulation, the Registrar shall endorse the following particulars, namely :—

(i) the number borne by the firm on the register,

(ii) the name of the firm,

(iii) the description of the document,
(iv) the serial number of the document, and
(v) the date of filing.

The Registrar shall also affix his signature and the seal of his office to such document.

(c) If there is no space on the document for entering the particulars referred to in sub-rule (b), the entry shall be made on a separate paper which shall be attached to the document and a note of the fact shall be made on the document itself and shall be signed by the Registrar.

Filing of documents.

11. (a) The Registrar shall examine every statement, intimation, notice or other document received by him which is required by the Regulation to be registered, recorded or filed; and if he finds any such statement, intimation, notice or other document to be defective or incomplete in any of the particulars required by the Regulation or these rules, he shall return it to the party or firm tendering it, for due rectification or completion; and until such statement, intimation, notice or other document is so rectified or completed, he shall not register, record or file the same.

(b) No statement, intimation, notice or other document in respect of which a fee is payable shall be registered, recorded or filed by the Registrar until the fee has been paid to him, and the Registrar shall, pending such payment, act as if no such statement, intimation, notice or other document has been tendered for registration, record or filing.

(c) A separate file shall be maintained in respect of each firm, in which all documents relating thereto received from time to time by the Registrar shall be filed.

Account and receipt for fees.

12. An account of all fees received in the Registrar's Office shall be maintained therein.

All fees payable under the Regulation shall be paid either in cash to a Government Treasury or by affixing Mysore Court Fee Stamps.

Inspection of original documents.

13. Any person interested in a firm may, on satisfying the Registrar of such interest and on payment of the prescribed fee, inspect the original document relating to the firm filed with the Registrar.

Application for copies to be in writing.

14. Every application for a copy under Section 67 of the Regulation shall be in writing.

Seal.

15. The seal used by the Registrar shall bear the words "Registrar of Firms, Mysore."

16. (*a*) The Register of Firms and the index thereto shall be preserved permanently.

Preservation and elimination of Registers and Records.

(*b*) All other records, including the statements referred to in Section 58 of the Regulation, may be destroyed.

(i) in the case of a firm which has been dissolved, on the expiry of five years from the date of its dissolution; and

(ii) in the case of a firm which, though not dissolved, has not been transacting business and has not been heard of for a period of not less than seven years, in accordance with and subject to the provisions of sub-rule (*c*).

(*c*) In cases falling under clause (ii) of sub-rule (*b*), the Registrar shall publish in the *Mysore Gazette* and at the same time send by registered post to each of the partners of the firm concerned to his last known address, a notice stating that the records and statements relating to the firm will be destroyed unless cause is shown to the contrary within a period of three months from the date of publication of the notice in the *Mysore Gazette*. If cause is not shown as aforesaid, the records and statements may be destroyed.

17. If any document required to be filed under the Regulation or any portion of such document is not in the English or Kannada languages, an English translation of such document or portion, certified as correct by at least one partner (or his authorised agent) shall be furnished along with each copy of such document or portion.

Translations to be furnished where original not in English or in Kannada.

18. The Office of the Registrar shall be open for business (Sundays and authorised holidays excepted) between the hours of 11 A.M. and 5 P.M.

19. The Registrar shall submit to Government so as to reach them on or before the 1st June in each year, a report on the working of the Regulation, during the year ending the 31st March preceding.

Administration report.

FORM No. I.

(*See Rule* 3.)

Filing fee Rs. 3.

The Mysore Partnership Regulation, 1936.

Application for registration of firm by the name*

Presented or forwarded to the Registrar of Firms for filing by

We, the undersigned being the partners of the firm hereby apply for registration of the said firm and for that purpose supply the following particulars in pursuance of Section 58 of the Mysore Partnership Regulation, 1936 :—

The firm name*		
Places of business	(*a*) Principal place (*b*) Other places	
Name of partners in full	Date of joining the firm	Permanent address in full
1.		
2.		
Duration of the firm		

Station
Date

Signature of the partners or their specially authorised agents.

I, son of years of age of religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.

Date
Witnesses

Signature.

I, son of years of age of religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.

Dated
Witness

Signature.

* Here enter name of firm.

If any partner is a minor the fact whether he is entitled to the benefits of partnership should be set out herein.

N.B.—This form must be signed by all partners or their agents specially authorised in this behalf in the presence of a witness or witnesses who must be either a Gazetted Officer, Advocate, Attorney, Pleader, Honorary Magistrate.

FORM No. II.

(*See Rule* 3.)

Filing fee Re. 1.

The Mysore Partnership Regulation, 1936.

Statement of alteration in the name of the firm or in the location of the principal place of business. Presented or forwarded to the Registrar of firms for filing by

We, the undersigned, being the partners of the firm* hereby supply the following particulars in pursuance of Section 60 (1) of the Mysore Partnership Regulation, 1936 :—

Name of Firm.

Previous name	New name

Principal place of business.

Previous place	New place

Station

Date

Signature of the partners or their specially authorised agents.

I, son of years of age of religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.

Date

Witness

Signature.

I, son of years of age of religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.

Dated

Witnesses

Signature.

*Here enter the name of the firm.

N.B.—Strike out item not required.

FORM No. III.

(*See Rule* 4.)

Filing fee Re. 1.

The Mysore Partnership Regulation, 1936.

Intimation of change in the place of business (other than principal place of business).

Presented or forwarded by the Registrar of Firms for filing by

Under Section 61 of the Mysore Partnership Regulation, 1936, intimation is herby given that the change specified below has occurred in the place of business of the firm *

Date of change.

(1) The firm has discontinued business at

(2) The firm has begun to carry on business at

Station

Date

Signature of any partner or agent of the firm.

* Here enter name of firm.
N. B.—Strike out items not required.

FORM No. IV.

(*See Rule* 4.)

Filing fee Re. 1.

The Mysore Partnership Regulation, 1936.

Intimation of alteration in the name or permanent address of partner.

Presented or forwarded to the Registrar of Firms for filing by

Under Section 62 of the Mysore Partnership Regulation, 1936, intimation is hereby given that the change specified below has occurred in the name of permanent address of partner in the firm *

Name of Partner.

Previous name (in full)	New name (in full)

Name of Partner.

Previous permanent address (in full)	Present permanent address (in full)

Station

Date

Signature of any partner or agent of the firm.

* Here enter name of firm.
N. B.—Strike out item not required.

FORM No. V.

(*See Rule* 4.)

Filing fee Re. 1.

The Mysore Partnership Regulation, 1936.

Notice of change in the constitution of the firm or of the dissolution of the firm.

Presented or forwarded to the Registrar of firms for filing by

Under Section 63 (1) of the Mysore Partnership Regulation, 1936, notice is hereby given that—

(1) The constitution of the firm* has been altered as follows :—

Name and full address of the in-coming partner and date of his joining the firm	Name and full address of the out-going partner and date of ceasing to be partner

Station
Date

Signature of the in-coming continuing, or the out-going partner or of his specially authorised agent.

(2) The firm* has been dissolved with effect from the

Station
Date

Signature of the person who was a partner immediately before the dissolution or of his specially authorised agent.

* Here enter name of the firm.
N. B.—Strike out item not required.

FORM No. VI.

(*See Rule* 4.)

Filing fee Re. 1.

The Mysore Partnership Regulation, 1936.

Notice of election by person admitted to the benefit of partnership on attaining majority.

Presented or forwarded to the Registrar of Firms for filing by

Under Section 63 (2) of the Mysore Partnership Regulation, 1936, notice is hereby given that admitted to the benefit of partnership in the firm* having now attained majority elects to become / elects not to become partner of the said firm.

Station
Date

Signature of the person electing or of his specially authorised agent.

* Here enter name of firm.

FORM A.

(*See Rule* 5.)

Register of Firms.

(Maintained under Section 59 of the Mysore Partnership Regulation, 1936.)

1. Serial Number of Firm.
2. Name of Firm.
3. Date of registration.
4. Duration of the Firm.
5. Address.

Date of change	Remarks	6. Partners					7. Principal place of business and changes therein		
		Name of the partners	Address	Date of		Remarks	Particulars regarding the place	Date of change	Remarks
				Joining	Ceasing				

8. Other places of business				Name of Firm				Name of Firm			
Name of place	Date of		Remarks	Serial No. of the document	Description of document	Date of filing	Signature of Registrar	Serial No. of the document	Description of document	Date of filing	Signature of the Registrar
	Opening	Ceasing									

FORM B.

(*See Rule* 9.)

Index to the Register of Firms.

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Firm name	Name of partners	Principal place of business	Volume No.	1st page of entry	Number borne on the register
1	2	3	4	5	6

FORM C.

[*See Rule 10* (a).]

ACKNOWLEDGMENT OF REGISTRATION OF FIRM.

The Registrar of Firms, Mysore, hereby acknowledges the receipt of the statement prescribed by Section 58 (1) of the Mysore Partnership Regulation, 1936. The statement has been filed and the name of the firm has been entered in the Register of Firms.

as No. of 193

Seal

Bangalore City, dated the

day of 193 *Registrar of Firms.*

* Here enter name of firm.

FORM D.

[*See Rule* 10 (a).]

MEMORANDUM ACKNOWLEDGING RECEIPT OF DOCUMENTS.

The Registrar of Firms, Mysore, hereby acknowledges the receipt of the undermentioned document/documents and intimates that it has/they have been filed in pursuance of the Mysore Partnership Regulation, 1936.

Here enter description of document/documents.

Bangalore City.

Dated 193

To

Mr./Messrs. *Registrar of Firms.*

By Order,

M. VENKATANARANAPPA,

Secretary to Government,

Development Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 1.

BANGALORE, THURSDAY, JANUARY 6, 1938.

PART IV

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1966—R. T. 10-37-9, dated Bangalore, 3rd January 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928 and Sections 5, 23 and 33 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following rule fixing the period of use in the case of Public Service Motor Vehicles, the draft rule in the said behalf having been already published with Notification No. T. 1140—R. T. 18-37-1, dated 29—30th September 1937, at page 255, Part IV of the *Mysore Gazette*, dated 7th October 1937.

RULE.

After Rule 4 of the rules relating to Public Service Motor Vehicles Rules notified with Notification No. P. 3992—Legis. 46-35-17, dated 18th December 1935, as amended from time to time, the following rule shall be added as Rule 4-A :—

"4-A. No permit to ply for hire in Mysore shall be granted to any motor bus or lorry which is more than five years old from the date of its original registration."

No. T. 1978.—R. T. 10-37-10, dated Bangalore, 3rd January 1938.

The following draft amendments which the Government of His Highness the Maharaja propose to make in exercise of the powers conferred upon them by Section 11 of the Mysore Motor Vehicles Act, 1928, to Rule 30 of the Rules regarding Public Service Motor Vehicles published under Notification No. P. 3992—Legis., 46-35, dated 18th December 1935, are hereby published for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 20th January 1938 and any suggestions or objections received on or before the said date in respect of the said draft from any person will be considered by Government.

Draft Amendments.

Number the existing Rule 30 of the Rules regarding Public Service Motor Vehicles as 30 (1) and insert the following as 30 (2).—

"30 (2). (i) The District Magistrate or, with his approval, the District Superintendent of Police, in the case of any municipality within his jurisdiction, may, in consultation with municipal authorities, fix stopping places for motor buses licensed to ply for hire within such municipal limits. The Municipality shall indicate such stopping places, by means of Notice Boards posted for the purpose. The driver of every such bus shall stop the same at such stopping places when required for the purpose of setting down passengers or when signalled to do so by any member of the public, unless the maximum number of passengers the bus is allowed to carry has been reached. Halts for setting down or taking up passengers shall be limited to the time reasonably necessary for such purpose.

(ii) On routes along which stopping places have been fixed, no driver of a bus shall stop the bus at any place other than the stopping places so fixed, except—

(*a*) when failure to stop the bus would constitute an offence punishable under the Mysore Motor Vehicles Act, 1928, or under any other law for the time being in force; or

(*b*) in the case of a mechanical breakdown; or

(c) when required to do so by any Magistrate of or above the Second Class; by an Inspector of Motor Vehicles; or by a person empowered to stop the bus under the Mysore Police Act No. V of of 1908.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

No. G. 4959—*P. H.* 44-37-9, *dated Bangalore, the* 24*th December* 1937.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921, as amended by Acts IV of 1929 and IV of 1930, Government are pleased to make the rules issued with Government Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 annexed hereto, applicable to the Hoskote Municipality.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20. (*b*).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (*c*).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (*d*).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (*e*).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows :—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved

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that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine, by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—(8) Where a sample of milk, separated or skimmed milk, deposits, on standing for a period of 24 hours or less, an amount of

visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (*f*).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an un-ambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (*g*).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which

shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (*h*).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

No. L. 5737—*Ml.* 74-37-24, *dated Bangalore, the 4th January* 1938.

In exercise of the powers conferred by Section 23 (2b) and (4) of the Mysore City Municipalities Act, 1933, the Government of His Highness the Maharaja are pleased to issue the following amendments to the rules issued under Government Order No. L. 3957—Ml. 56-24-14, dated 26th November 1924, for regulating the election of the President and the Vice-President of a City Municipal Council:—

Add the following as sub-rule (*d*) to Rule I, the present sub-rule (*d*) being re-numbered as (*e*):—

1. "(*d*) When an elected President or Vice-President vacates office on the expiry of the term limited to one year under proviso to Section 23 (12), at a meeting of the Council held not later than one month from the date of occurrence of the vacancy."

2. In the proviso to Rule (1), omit the words "during the said period of one or two months as the case may be."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 3.

BANGALORE, THURSDAY, JANUARY 20, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 2115—*R. T.* 10-37-12, *dated Bangalore, the* 13*th January* 1938.

The following draft of a rule which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Regulation, 1928, is hereby published for the information of persons likely to be affected thereby and notice is hereby given that any suggestions or objections in respect of the said draft received on or before the 1st February 1938 will be taken into consideration by Government.

Draft Amendment.

The following rule will be added as Rule 12 (*c*) to the Mysore Motor Vehicles Rules, 1924, as amended from time to time :—

"12 (*c*) Whenever new engine blocks which bear no distinguishing numbers are fitted to motor vehicles in replacement of old blocks, the number of the old block should be carved on the new engine followed by the letter 'A' so as to avoid any confusion that might arise in case the old engine block is used on another vehicle."

No. T. 2118—*R. T.* 10-37-13, *dated Bangalore, the* 15*th January* 1938.

The following draft rules which the Government propose to make are hereby published under sub-section (1) of Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, for the information of persons likely to be affected thereby. Any suggestion or objection in respect of the said draft received on or before the 5th February 1938 will be considered by Government before issuing the rules finally.

The following shall be added as Rule 16 (C) of the Mysore Motor Vehicles Rules 1924, as amended from time to time :—

16 (C)—(1) The Traffic Board, may, either on its own motion or on an application made by the party affected, call for and examine the record of any enquiry made or order passed by the District Magistrate under Rule 16 (B), for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of the District Magistrate. If, in any case, it shall appear to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it may deem fit.

(2) No application made by the party affected shall be entertained by the Board unless it is presented within sixty days from the date of the order complained against.

(3) Subject to the powers of revision vested in the Board, the order of a District Magistrate suspending or cancelling a Driving License, shall be final.

(4) In any application for revision under the foregoing rules, the Board may, pending the disposal of the application, direct the execution of the decision or order complained against to be suspended.

(5) The power of the Board under any of the foregoing rules may be exercised by the Chairman or by any other member or members of the Board as may be authorised by the Chairman in this behalf.

(6) The decision of the Traffic Board shall be final.

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No. T. 2186—R. T. 1-37-20, dated, Bangalore, the 18th January 1938.

In virtue of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the Ulvi Toll-gate in Shimoga District be abolished as from 1st January 1938.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No. D. 4882—I. & C. 293-36-10, dated Bangalore, the 12th January 1938.

In exercise of the powers conferred by Section 14 of the Mysore Maternity Benefit Regulation III of 1937, the Government of His Highness the Maharaja of Mysore are pleased to issue the following amendment to Rules 4 and 5 (i) of the Mysore Maternity Benefit Rules, 1937, the draft amendment in that behalf having been published with Notification No. D. 3740—I. & C. 293-36-9, dated 15th November 1937, published at page 294 of Part IV of the *Mysore Gazette*, dated 18th November 1937.

Substitute the words "The Inspector of Factories" *for* "The Inspector" in Rules 4 and 5 (i).

By Order,

M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

No. D. 4923—C. S. 11-36-231, dated Bangalore, the 12—15th January 1938.

In exercise of the powers vested under Section 44 (2) (g) of the Mysore Co-operative Societies Act VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following rule for the election of the members to the Committees of Management and of other offices of Co-operative Societies.

Rule 31—The following rules for the election of the members to the Committees of Management or of other offices of Co-operative Societies should be adopted by all Co-operative Societies registered in Mysore under the Mysore Co-operative Societies Act VII of 1918 as amended from time to time.

RULES.

1. Soon after the close of the official year, the accounts of the society should be got audited, and the date of the annual general meeting fixed and intimated to all the members, at least 15 days before the date of the meeting.

2. A list of members who are in default for three months and more, in respect of their dues to the society, should be prepared, and notices given to such defaulters at least 15 days before the date fixed for the general meeting that they will not be entitled either to vote at the general meeting, or to stand as candidates for election to the Committee of Management, or to any office in the society, if they fail to pay up the amounts due to the society seven days before the date of the general meeting.

Exception.—This provision shall not apply to such of the rural societies as may be exempted by the Registrar.

3. Members desirous of standing as candidates to the Committee of Management, or to other offices, should give their applications to the Secretary, or to the office of the society at least five days before the date of the general meeting. A member may nominate as many persons as there are seats on the Committee or other office, from among those who are not defaulters and give such nomination paper to the Secretary or to the office of the society at least five days before the general meeting. In all cases

of nominations, the consent of the concerned candidates should have been obtained in writing. If the consent of nominated candidates has not been taken, their names shall not be included in the voting slips.

4. The names of those who have duly applied or are nominated (if they are not otherwise ineligible) shall be noted in the voting slips, and a copy thereof shall be published on the notice board of the society three days before the date fixed for the general meeting.

5. Three days before the date of the general meeting, a list of members eligible for voting should be prepared and kept in the society for inspection of members.

6. All the members that attend the general meeting should sign in the Register kept for the purpose as they enter the place of the meeting.

7. The General Body should decide the time during which voting may take place. If the power of fixing the time of voting has been delegated to a committee by the General Body, the committee may fix the same.

8. Voters should appear in person and vote.

9. Identification slips may be issued to members entitled to vote. Members who hold identification tickets should produce them before the Polling Officer at the Polling Booth and obtain voting slips from him.

10. The voting slip should bear the seal of the society or some other distinguishing mark.

11. Canvassing or soliciting votes prior to or during the conduct of elections shall be strictly prohibited within the premises (which shall include the compound of the building also) where the polling is arranged to be held.

12. Voting shall be by ballot, and voters should put a mark prescribed for this purpose against the names of candidates whom they wish to elect, fold the voting slip, and deposit it in the ballot box. The polling officers should help the illiterate members in marking names in the voting slips.

13. The General Body should, before the commencement of election, appoint as many Polling Officers as may be necessary for the proper conduct of elections and Tellers to count the votes.

14. After all the voters present have voted or after the time fixed for voting by the General Body or by the Committee is over, the Polling Officer shall stop voting and deliver the Ballot Box to the Tellers.

15. Tellers shall take into consideration only such voting slips as shall have been regularly filled up.

16. Soon after the counting of votes is over, the result shall be announced either at the general meeting, if possible, or published on the Notice Board of the society under the signature of the Chairman of the meeting.

17. The Chairman of the General Meeting shall arrange to keep in safe custody in the society in a sealed box the voting slips and their counter-foils, the register containing the signature of members that attended the meeting and the report of the Tellers. These may be burnt two months after the date of the general meeting.

18. If any member wishes to file any dispute regarding the elections, he should do so, within thirty days from the date of announcement of the result of the election by presenting a petition before the Registrar.

No. L. 5995—L. B. 22-37-22, dated Bangalore, the 12—13th January 1938.

In exercise of the powers vested in them under Section 100 (2) (*c*) of the Mysore District Boards Act 1926, as amended from time to time, Government are pleased to direct that the following words be added at the end of Rule 6 (1) (*c*) of the Rules issued with Notification No. L. 5470—L. B. 25-26-55, dated 5th February 1927, as amended from time to time, for the conduct of business at meetings of the District Boards, etc :—

" or criticisms on the actions or policy of Government or of any public authority not subject to the control of the District Board or on the decisions of any court of law."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore.

Order No. P. 4717—Legis. 24-37-1, dated Bangalore, the 10—14th February 1938.

Ordered that the accompanying Act further to amend the Minor Tank Restoration Act, 1916, which received the assent of His Highness the Maharaja, on the third day of February 1938, be published as Act No. VIII of 1938 in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ACT VIII OF 1938.

(Received the assent of His Highness the Maharaja on the third day of February 1938).

An Act further to amend the Minor Tank Restoration Act, 1916.

Whereas it is expedient to further amend the Minor Tank Restoration Act, 1916; It is hereby enacted as follows:—

1. In section 2 of the Minor Tank Restoration Act, 1916 (hereinafter referred to as the said Act), the words "whether situated in a Government or an alienated village," shall be added after the figure "1911".

2. After section 2 of the said Act, the following new section shall be added:—

"2A. 'Restoration' means restoring to an efficient condition a tank which, from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly."

3. (1) After sub-section (2) of section 4 of the said Act, the following new sub-section shall be inserted:—

"(2-A) In the case of minor tanks situate in alienated villages, the cost of restoration shall, after deducting the raiyats' contribution under sub-section (2), be borne by the Government and the superior holder in the proportion of the land revenue payable by the said superior holder to the Government and the total assessment of the village less the land revenue payable by the said superior holder to the Government."

(2) In sub-sections (3) and (4) of section 4 of the said Act, the words and figure "or sub-section (2-A)" shall be inserted after the words and figure "sub-section (2)".

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 7.

BANGALORE, THURSDAY, FEBRUARY 17, 1938.

PART IV.

Legislative Measures and Rules thereunder.

Order No. P. 4628—Legis. 19-37-1, dated Bangalore, 9th February 1938.

Ordered that the accompanying Acts to amend the Mysore City Municipalities Act, 1933 and the Mysore Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja on the third day of February 1938, be published as Acts. No. I and No. II of 1938, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

and allowances and discipline and conduct of Chief Officers, Health Officers and Engineers appointed under clause (*a*).

234-B. So long as a notification under clause (*a*) of section 234-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the powers of appointment under sections 233 and 234 of this Act."

MIRZA M. ISMAIL,
Dewan.

ACT IV OF 1938.

(*Received the assent of His Highness the Maharaja on the third day of February* 1938.)

An Act to Amend the Mysore Town Municipalities Act, 1933.

Whereas it is expedient to amend the Mysore Town Municipalities Act, 1933; It is hereby enacted as follows :—

1. After section 209 of the Act, the following shall be inserted, namely :—

"209-A. Notwithstanding anything contained in this Act—

(*a*) the Government may, by notification, take power to appoint the Chief Officer in the case of any Municipal Council;

(*b*) the Government may, at any time, withdraw any such Chief Officer and appoint another in his place; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of Chief Officers appointed under clause (*a*).

"209-B. So long as a notification under clause (*a*) of section 209-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the power of appointment under section 209 of this Act."

MIRZA M. ISMAIL,
Dewan.

under the Mysore District Boards Act, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect to transfers made under sub-section (1)."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 4653—Legis. 21-37-1, dated Bangalore, 10th February 1938.

Ordered that the accompanying Acts to amend the Mysore City Municipalities Act, 1933, and the Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja on the third day of February 1938, be published as Acts No. III and No. IV of 1938, in the *Mysore Gazette*, for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ACT III OF 1938.

(*Received the assent of His Highness the Maharaja on the third day of February* 1938.)

An Act to Amend the Mysore City Municipalities Act, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows :—

1. After section 234 of the Act, the following section shall be inserted, namely :—

"234-A. Notwithstanding anything contained in this Act—

(*a*) the Government may, by notification, take power to appoint the Chief Officer, the Health Officer or the Engineer in the case of any Municipal Council ;

(*b*) the Government may, at any time, withdraw any such Chief Officer, Health Officer or Engineer and appoint another in his place ; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay

CHAPTER II.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF INDIAN STATES.

Application of Act.

3. Where an arrangement has been made with any State in India with respect to the surrender to such State of any fugitive criminals, the Government may, by notification in the Official Gazette, direct that this Act shall apply in the case of such State.

Every such notification shall recite or embody the terms of the arrangement, and shall not remain in force for any longer period than the arrangement.

Apprehension of fugitives.

4. Where this Act applies in the case of any State, every fugitive criminal of that State who is in or is suspected of being in any part of Mysore, shall be liable to be apprehended and surrendered in manner provided by this Act, whether the offence in respect of which the surrender is sought was committed before or after the date of the notification, and whether there is or is not any concurrent jurisdiction in any Court in Mysore over that offence.

Requisition for surrender.

5. (1) Where a requisition is made to the Government by or on behalf of the Government of any State in India in the case of which this Act applies for the surrender of a fugitive criminal of such State, who is or is suspected of being in Mysore, the Government may, if it thinks fit, issue an order to any Magistrate who would have had jurisdiction to inquire into the offence if it had been an offence committed within the local limits of his jurisdiction directing him to inquire into the case.

Summons or warrant for arrest.

(2) The Magistrate so directed shall issue a summons or warrant for the arrest of the fugitive criminal according as the case appears to be one in which a summons or warrant would ordinarily issue.

Inquiry by Magistrate.

(3) When such criminal appears or is brought before the Magistrate, the Magistrate shall inquire into the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by the Court of Session, and shall take such evidence as may be produced in support of the requisition and on behalf of the fugitive criminal, including any evidence to show that the offence of which such criminal is accused or alleged to have been convicted is an offence of a political character or is not an extradition offence.

Committal

(4) If the Magistrate is of opinion that a *prima facie* case is made out in support of the requisition, he may commit the fugitive criminal to prison to await the orders of the Government.

Bail.

(5) If the Magistrate is of opinion that a *prima facie* case is not made out in support of the requisition, or if the case is one which is bailable under the provisions of the Code of Criminal Procedure for the time being in force, the Magistrate may release the fugitive criminal on bail.

Magistrate's report.

(6) The Magistrate shall report the result of his inquiry to the Government, and shall forward, together with such report, any written statement which the fugitive criminal may desire to submit for the consideration of the Government.

Reference to High Court if Government thinks necessary.

(7) If the Government is of opinion that such report or written statement raises an important question of law, it may make an order referring such question of law to the High Court and the fugitive criminal shall not be surrendered until such question has been decided.

Warrant for surrender.

(8) If, upon receipt of such report and statement or upon the decision of any such question, the Government is of opinion that the fugitive criminal ought to be surrendered, it may issue a warrant for the custody and removal of such criminal and for his delivery at a place and to a person to be named in the warrant.

Lawfulness of custody and re-taking under warrant for surrender.

(9) It shall be lawful for any person to whom a warrant is directed in pursuance of sub-section (8) to receive, hold in custody and convey the persons mentioned in the warrant, to the place named in the warrant, and if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of Mysore may be re-taken upon an escape.

Discharge of fugitive criminal committed to prison after two months.

(10) If such a warrant as is prescribed by sub-section (8) is not issued and executed in the case of any fugitive criminal who has been committed to prison under sub-section (4), within two months after such committal, the High Court may, upon application made to it on behalf of such fugitive criminal and upon proof that reasonable notice of the intention to make such application has been given to the Government, order such criminal to be discharged, unless sufficient cause is shown to the contrary.

6. (1) Where it appears to any Magistrate of the First Class or any Magistrate specially empowered by the Government in this behalf that a person within the local limits of his jurisdiction is a fugitive criminal of a State in India in the case of which this Act applies, he may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the offence of which he is accused or has been convicted had been committed within the local limits of his jurisdiction.

Power to Magistrate to issue warrant of arrest in certain cases.

(2) The Magistrate shall forthwith report the issue of a warrant under this section to the Government.

Issue of warrant to be reported forthwith.

(3) A person arrested on a warrant issued under this section shall not be detained more than two months unless within that period the Magistrate receives an order made with reference to such person under sub-section (1) of section 5.

Person arrested not to be detained unless order received.

(4) In the case of a person arrested or detained under this section, the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in Mysore the offence of which he is accused or has been convicted.

Bail.

7. The Government may at any time stay any proceedings taken under this Chapter and direct any warrant issued under this Chapter to be cancelled and the person for whose arrest such warrant has been issued to be discharged.

Power of Government to discharge any person in custody at any time.

CHAPTER III.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF BRITISH INDIA.

8. (1) Where an extradition offence has been committed or is supposed to have been committed by a person in British India and such person escapes into or is in Mysore, the Government may, on receipt of a requisition made by or on behalf of any Provincial Government in British India for the surrender of the said person, direct the issue of a warrant addressed to the District Magistrate of any district in which such person is believed to be, for his arrest and delivery at a place and to a person

Issue of warrant by Government in certain cases.

or authority indicated in the warrant, and such Magistrate shall act in pursuance of such warrant and may give directions accordingly.

Execution of such warrant.

(2) A warrant issued as mentioned in sub-section (1) shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants, and the accused person, when arrested, shall be produced before the District Magistrate who shall record any statement made by him; such accused person shall then, unless released in accordance with the provisions of the Act, be forwarded to the place and delivered to the person or authority indicated in the warrant.

Proclamation and attachment in case of persons absconding.

(3) The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply where any warrant has been received by a District Magistrate under this section as if the warrant had been issued by himself.

Release on giving security.

9. (1) Where an endorsement has been made on any such warrant that the person for whose arrest it is issued may be released on executing a bond with sufficient sureties for his attendance before a person or authority indicated in this behalf in the warrant at a specified time and place, the Magistrate to whom the warrant is addressed shall on such security being given, release such person from custody.

Magistrate to retain bond.

(2) When security is taken under this section, the Magistrate shall certify the fact to the Government and shall retain the bond.

Re-arrest in case of default.

(3) If the person bound by any such bond does not appear at the time and place specified, the Magistrate may, on being statisfied as to his default, issue a warrant directing that he be re-arrested and handed over to any person authorised by the Government to take him into custody.

Deposit in lieu of bond and forfeiture of bonds.

(4) In the case of any bond executed under this section, the Magistrate may exercise the powers conferred by the Code of Criminal Procedure for the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties.

Requisition for surrender.

10. Where a requisition is made to the Government by or on behalf of any Provincial Government in British India for the surrender of any person accused of having committed in British India an offence other than an extradition offence, such requisition shall (except in so far as it relates to the taking of evidence to show that the offence is of a political character or is not an extradition offence) be dealt with so far as may be in accordance with the procedure prescribed by section 5.

Power to Magistrates to issue warrants of arrest in certain cases.

11. (1) If it appears to any Magistrate of the First Class or any Magistrate empowered by the Government in this behalf that a person within the local limits of his jurisdiction is accused or suspected of having committed an offence in British India and that such person may lawfully be surrendered or that warrant may be issued for his arrest under section 8, the Magistrate may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the offence had been committed within the local limits of his jurisdiction.

Issue of warrant to be reported forthwith.

(2) The Magistrate shall forthwith report to the Government through the District Magistrate the issue of a warrant under this section.

Limit of time of detention of person arrested.

(3) A person arrested on a warrant issued under this section shall not, without the special sanction of the Government, be detained more than two months, unless within such period, the Magistrate receives an order made with reference to such person in accordance with the procedure prescribed by section 10, or a warrant for the arrest of such person is issued under section 8.

Bail.

(4) In the case of a person arrested or detained under this section, the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in Mysore the offence with which he is charged.

Surrender of person accused of, or undergoing sentence for offence in Mysore.

12. (1) A person accused of an offence committed in Mysore, not being the offence for which his surrender is asked or undergoing sentence under any conviction in Mysore shall not be surrendered except on the condition that such person be re-surrendered to the Government on the termination of his trial for the offence for which his surrender has been asked :

Provided that no such condition shall be deemed to prevent or postpone the execution of a sentence of death lawfully passed.

Suspension of sentence on surrender.

(2) On the surrender of a person undergoing sentence under a conviction in Mysore, his sentence shall be deemed to be suspended until the date of his re-surrender, when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender.

Application of Chapter to convicted persons.

13. The provisions of this Chapter with reference to accused persons shall, with any necessary modifications, apply to the case of a person who, having been convicted of an offence in British India, has escaped into or is in Mysore before his sentence has expired.

Abetment and attempt.

14. Every person who is accused or convicted of abetting or attempting to commit any offence shall be deemed, for the purposes of this Chapter, to be accused or convicted of having committed such offence, and shall be liable to be arrested and surrendered accordingly.

Lawfulness of custody and re-taking under warrant issued under Chapter.

15. It shall be lawful for any person to whom a warrant is directed in pursuance of the provisions of this Chapter to receive, hold in custody and convey to the place named in the warrant the person mentioned in the warrant; and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant he may be re-taken as a person accused of an offence against the law of Mysore, may be re-taken upon an escape.

Power of Government to stay proceedings and discharge person in custody.

16. The Government may, by order, stay any proceedings taken under this Chapter, and may direct any warrant issued under this Chapter to be cancelled, and the person for whose arrest such warrant has been issued to be discharged.

Application of Chapter to offences committed before its commencement.

17. The provisions of this Chapter shall apply to an offence or to an extradition offence, as the case may be, committed before the passing of this Act, and to an offence in respect of which a Court of Mysore has concurrent jurisdiction.

CHAPTER IV.

MISCELLANEOUS.

Receipt in evidence of exhibits, depositions and other documents.

18. In any proceedings under this Act, exhibits and depositions (whether received or taken in the presence of the person against whom they are used or not) and

copies thereof, and official certificates of facts and judicial documents stating facts, may, if authenticated in the prescribed manner, be received as evidence.

Evidence by commission.

19. The testimony of any witness may be obtained in relation to any criminal matter pending in any State in India in like manner as it may be obtained in any civil matter under the provisions of the Code of Civil Procedure for the time being in force with respect to commissions, and the provisions of that Code relating thereto shall be construed as if the term "suit" included criminal proceeding.

Power to make rules.

20. (1) The Government may make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the removal of prisoners accused or in custody under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them;

(*b*) the seizure and disposition of any property which is the subject of, or required for proof of, any alleged offence to which this Act applies;

(*c*) the pursuit and arrest in Mysore, by officers of the Government or other persons authorised in this behalf, of persons accused of offences committed elsewhere;

(*d*) the manner of authenticating documents;

(*e*) prescribing the authorities of any Provincial Government in British India or a State in India whose requisition may be acted upon under this Act; and

(*f*) the procedure and practice to be observed in extradition proceedings.

(3) Rules made under this section shall be published in the Official Gazette and shall thereupon have effect as if enacted by this Act.

Detention of persons arrested.

21. Notwithstanding anything in the Code of Criminal Procedure, 1904, any person arrested without an order from a Magistrate and without a warrant, in pursuance of the provisions of section 54, clause *seventhly*, of the said Code, may, under the orders of a Magistrate within the local limits of whose jurisdiction such arrest was made be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under section 11.

Repeal.

22. (1) On and from the date on which this Act comes into force, the Chief Commissioner's Notification No. 111, dated 23rd July 1878, and Government Notification No. J. 219—Legis. 14-04-14, dated the 20th July 1907 shall be deemed to be repealed.

(2) All orders made and acts done under any of the notifications hereby repealed in respect of requisitions received before coming into force of this Act shall have the same force and effect as if they had been made or done under this Act.

Prerogative of His Highness the Maharaja to direct extradition.

23. Nothing contained in this Act shall affect or be deemed to have affected the prerogative of His Highness the Maharaja to direct, independently of this Act, the extradition and surrender of any criminal found in Mysore.

Explanation.—In this section "criminal" includes a person accused or convicted in British India of an act which, whether or not constituting an offence if done in Mysore, constitutes an offence if done in British India.

THE SCHEDULE.

EXTRADITION OFFENCES.

The sections referred to are the sections of the Indian Penal Code.

Frauds upon creditors (Section 206).
Resistance to arrest (Section 224).
Offences relating to coin and stamps (Sections 230 to 263-A).
Culpable homicide (Sections 299 to 304).
Attempt to murder (Section 307).
Thugee (Sections 310 and 311).
Causing miscarriage and abandonment of child (Sections 312 to 317).
Causing hurt (Sections 323 to 333).
Wrongful confinement (Sections 347 and 348).
Kidnapping and slavery (Sections 360 to 373).
Rape and unnatural offences (Sections 375 to 377).
Theft, extortion, robbery, etc. (Sections 378 to 414).
Cheating (Sections 415 to 420).
Fraudulent deeds, etc. (Sections 421 to 424).
Mischief (Sections 425 to 440).
Lurking house-tresspass (Sections 443 and 444).
Forgery, using forged documents, etc. (Sections 463 to 477-A).
Desertion from the Army.
Piracy by law of nations.
Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

Any offences against the laws relating to criminal tribes or against any section of the Indian Penal Code or against any other law which may, from time to time, be specified by the Government by notification in the Official Gazette either generally for British India and all States or specially for British India or for any one or more States.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 4718—Legis. 25-37-1, dated Bangalore, the 10—14th February 1938.

Ordered that the accompanying Act to amend the Mysore Irrigation Act, 1932, which received the assent of His Highness the Maharaja, on the third day of February 1938, be published as Act No. VII of 1938, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ACT VII OF 1938.

(*Received the assent of His Highness the Maharaja on the third day of February 1938*).

An Act to amend the Mysore Irrigation Act, No. I of 1932.

Whereas it is expedient to further amend the Mysore Irrigation Act, No. I of 1932; It is hereby enacted as follows:—

1. After section 34 of the Mysore Irrigation Act, 1932 (hereinafter referred to as the said Act), the following section shall be added:—

"34-A. For the purposes of this chapter, an irrigation work includes such work in an inam village, though it is not constructed, maintained or controlled wholly or mainly by Government."

2. The following shall be added after the word "village" occurring in line 1 of section 36 of the said Act:—

"and the Inamdar in the case of an inam village."

3. The following shall be added after the word "patel" occurring in line 3 of section 37 of the said Act:—

"the Inamdar in the case of an inam village."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 4717—Legis. 24-37-1, dated Bangalore, the 10—14th February 1938.

Ordered that the accompanying Act further to amend the Minor Tank Restoration Act, 1916, which received the assent of His Highness the Maharaja, on the third day of February 1938, be published as Act No. VIII of 1938 in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ACT VIII OF 1938.

(*Received the assent of His Highness the Maharaja on the third day of February 1938*).

An Act further to amend the Minor Tank Restoration Act, 1916.

Whereas it is expedient to further amend the Minor Tank Restoration Act, 1916; It is hereby enacted as follows:—

1. In section 2 of the Minor Tank Restoration Act, 1916 (hereinafter referred to as the said Act), the words "whether situated in a Government or an alienated village," shall be added after the figure "1911".

2. After section 2 of the said Act, the following new section shall be added:—

"2A. 'Restoration' means restoring to an efficient condition a tank which, from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly."

3. (1) After sub-section (2) of section 4 of the said Act, the following new sub-section shall be inserted:—

"(2-A) In the case of minor tanks situate in alienated villages, the cost of restoration shall, after deducting the raiyats' contribution under sub-section (2), be borne by the Government and the superior holder in the proportion of the land revenue payable by the said superior holder to the Government and the total assessment of the village less the land revenue payable by the said superior holder to the Government."

NOTIFICATIONS.

No. T. 2477—R. T. 1-37-22, dated Bangalore, the 11th February 1938.

In virtue of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Pandithanahalli Toll-gate which is at present situated about two furlongs from the junction of the main Maddur-Sivasamudram road be shifted beyond the junction.

No. T. 2482—R. T. 10-37-19, dated Bangalore, the 11th February 1938.

In exercise of the powers conferred on them under Section 11 of the Mysore Motor Vehicles Regulation, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft amendment in the said behalf having been published with notification No. T. 2115—R. T. 10-37-12, dated 13th January 1938 in the *Mysore Gazette* at page 11, Part IV, dated 20th January 1938.

The following shall be added as Rule 12 (c) to the said rules.

"12 C. Whenever new engine blocks which bear no distinguishing numbers are fitted to motor vehicles in replacement of old blocks, the number of the old block should be carved on the engine followed by the letter 'A' so as to avoid any confusion that might arise in case the old engine block is used on another vehicle."

No. T. 2502—R. T. 10-37-20, dated Bangalore, the 15th February 1938.

The following draft rule which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, to Rule 1-B of the Mysore Motor Vehicles Rules, 1924,

issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby, and any suggestions or objections, in respect of the said draft, received on or before the 20th February 1938 will be considered by Government.

DRAFT RULE.

Substitute the following for Rule 1-B of the Mysore Motor Vehicles Rules, 1924, as amended from time to time :—

"1-B. The owner or person in charge of a motor vehicle shall at all reasonable times produce its registration certificate for inspection upon request by (i) a Police Officer in uniform who is not below the rank of a Sub-Inspector of Police or who being below such rank is specially authorised in this behalf by the Inspector-General of Police or (ii) a Licensing Officer appointed under the Mysore Road Traffic and Taxes Act VI of 1935."

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 8.

BANGALORE, THURSDAY, FEBRUARY 24, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 4779—Cts. 100-37-4, dated Bangalore, 14—16th February 1938.

Government are pleased to direct that Sections 380 and 381 of the Indian Penal Code be included in the Schedule of Offences specified in para 2 of Government Notification No. P. 3120—Cts. 100-37-2, dated 16th December 1937, directing the extension of the system of trial by Jury to the Districts of Chitaldrug and Hassan.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

No. T. 2523—R. T. 17-37-6, dated Bangalore, 16th February 1938.

In virtue of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that Rajavanti toll-gate in Tumkur District be abolished as from 1st July 1938.

No. T. 2546—R. T. 1-37-26, dated Bangalore, 17th February 1938.

In virtue of powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct (1) that a check gate be opened as a temporary measure at Kadariganakuppe about one mile to the east of the main toll-gate at Hulkur, Kolar District and (2) that this check gate and the Hulkur toll-gate be treated as one toll-gate, the payment of toll at one gate exempting vehicles, etc., from payment of the same at the other.

No. T. 2615—*R. T.* 1-37-24, *dated Bangalore, the* 21*st February* 1938.

In virtue of the powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that a toll-gate be established with effect from 1st March 1938 on the motor road on the Nandi Hills, Kolar District, and located tentatively in the building known as Lewis Bungalow.

No. T. 2621—*R. T.* 10-37-22, *dated Bangalore, the* 22*nd February* 1938.

SUBJECT—Duplicate License.

In virtue of the powers vested in them under Sections 8 and 9 of the Mysore Road Traffic and Taxes Act No. VI of 1935 as amended by Act No. IX of 1936, the Government of His Highness the Maharaja are pleased to issue the following amendments to Rule 19 of the Mysore Motor Vehicles Tax Rules, Part I.

Amendments.

Substitute "period in respect of which the original license was issued" for the words "quarter or half year as the case may be" in the last sentence.

Add the following at the end of the Rule:—

"The fee for a duplicate short-term license shall be Rs. 2 only."

The Rule will, after the above amendments, read as follows:—

"19. If a license issued is lost or otherwise misplaced, any licensing officer, may, on application, issue a fresh license. If the vehicle in respect of which the license is applied for is exempt from taxes, this license will be issued free; if it is a vehicle which is liable to tax, the license may be issued on payment of a fee of Rs. 5. The substitute license shall only be issued for the current period in respect of which the original license was issued and the licensing officer must, before issuing the license, satisfy himself from the Registration Certificate that the tax due has already been paid. The fee for a duplicate short-term license shall be Rs. 2 only."

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,

General Department.

No. Fl. 4745—Ex. 47-37, dated Bangalore, the 18th February 1938.

In exercise of the powers conferred by Section 29 (1) of the Mysore Excise Act, V of 1901, as amended from time to time, and of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to substitute the following for Rule XIA of the Foreign Liquor Rules published in Notification No. 11469—Ex. 7-3-1901, dated 10th January 1902, as amended by Notification No. Fl. 475—S. R. 17-13-3, dated 22nd July 1913:—

XIA. "Licenses granted under paras 1 to 6 and 11 of Rule II shall include permission to sell Bangalore Bottled Beer imported under the rules in force in the Mysore State for the import and transport of Country Beer."

No. D 6115 C. S. 79-36-9, dated Bangalore, the 22nd February 1938.

In exercise of the powers vested in them under Section 44 (2) (r) of the Mysore Co-operative Societies Act, 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following amendment to the third para of Rule 18 regarding the payment of bonus to office bearers of Co-operative Societies.

Any suggestions or objections to the proposed rule by persons or bodies likely to be affected by this rule may be forwarded to the Secretary to Government, Local Self-Government Department, within two months from the date of publication of this notification in the *Mysore Gazette*, after which date the draft will be taken up for consideration.

Any suggestions received after the due date will not receive consideration.

"Substitute the following for the third para of Rule 18":—

"The Bonus or honorarium payable to the office bearers of Co-operative Societies who hold office honorarily shall not exceed in the aggregate 15 per cent of the net

profits remaining after contribution to reserve fund, subject to a maximum of Rs. 300 per annum. In cases where the bonus calculated on the above basis falls below Rs. 30, the General Body may, subject to the approval of the Registrar, sanction a bonus not exceeding Rs. 30, whether or not such bonus exceeds 15 per cent of the net profits as hereinbefore mentioned. Where no clerical assistance is given to the Secretary, an additional 5 per cent may be allowed notwithstanding the fact that such addition may make the whole bonus exceed Rs. 300.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 11.

BANGALORE, THURSDAY, MARCH 17, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 2873—R. T. 10-37-24, dated Bangalore, the 9—11th March 1938.

The following draft rules which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and under Sections 5 and 33 of the Mysore Road Traffic and Taxes Act VI of 1935, are hereby published for the information of persons likely to be affected thereby and notice is hereby given that any suggestions or objections received on or before the 1st April 1938 will be considered by Government:—

Draft Amendments.—The following rule will be added as Rule 9 (i) to the Rules regarding permits for Motor Lorries issued with Notification No. P. 3993—Legis. 46-35, dated 18th December 1935 and the existing rules 9 (i), (ii) and (iii) be re-numbered as (ii), (iii) and (iv) respectively.

"9 (i) A private carrier's permit will be given only if the District Magistrate is satisfied as to the solvency and fitness of the person applying for the permit."

The following rule will be added as rule 52 (i) of the rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 and the existing rule 52 re-numbered as 52 (ii).

52 (i) "A permit to ply a motor cab will be given only if the District Magistrate is satisfied that the person applying for the permit is a fit and proper person and has the capacity to manage the service efficiently."

No. T. 2874—R. T. 10-37-25, dated Bangalore, the 9—11th March 1938.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, is hereby published for the information of persons likely to be affected thereby. Any suggestions or objections received on or before the 1st April 1938 in respect of the said draft will be considered by Government:—

DRAFT AMENDMENT.

The following will be added as a note to para 1 of Rule 3 of the Motor Vehicles Rules, 1924, as amended from time to time:—

Note.—The registration of a motor vehicle purchased under a hire purchase agreement shall be effected only after the hirer satisfies the registering authority as to his status and financial stability.

No. T. 2918—R. T. 10-37-27, dated Bangalore, the 16th March 1938.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Sections 11 of the Mysore Motor Vehicles Act 1928 and 13 of the Mysore Road Traffic and Taxes Act, VI of 1935, to rule 32 (ii) of the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, as amended from time to time, is hereby published for the

information of persons likely to be affected thereby. Any suggestions or objections in respect of the said draft received on or before the 5th April 1938 will be considered by Government before issuing the amendment finally :—

Draft Amendment.

The following rule will be substituted for Rule 32 (ii) of the Rules regarding public service motor vehicles :—

"32 (ii) Permit holders shall maintain additional vehicles as spares for the running of relief services in cases of break-down of vehicles used on regular service or in other emergencies, on the scale of one spare bus for every five buses used on regular services.

Permit-holders maintaining less than five buses are exempt from maintaining a spare bus but they should make proper arrangements for purposes of relief in emergencies. The licenses of such permit-holders shall be cancelled in case of default of the aforesaid condition.

No. T. 2929—*R. T.* 10-37-28, *dated Bangalore, the* 16*th March* 1938.

In exercise of the powers conferred upon them by Section 13 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the Service Tax on additional motor buses kept as spares under Rule 32 (ii) of the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, shall be levied at half the usual rate leviable on the vehicles in respect of which the said additional bus has been maintained as spare, provided that if any such spare bus be used otherwise than as a substitute for buses disabled by accident or taken off service for repairs it shall be liable to the payment of full Service Tax.

No refund of the tax paid in respect of a motor bus kept as spare shall be allowed for any period of non-user.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,

General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 14.

BANGALORE, THURSDAY, APRIL 7, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 3182—*R. T.* 9-37-21, *dated Bangalore, 4th April* 1938.

In exercise of the powers conferred on them by Section 13 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the Scooter, car bearing No. Mys. 9042, belonging to Mr. H. G. Anantharamu, Devi Nivas, Old Agrahar, Mysore, be exempted from payment of vehicle tax.

By Order,
M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No. D. 6968—Geol. 55-37-5, dated Bangalore, 29—30th March 1938.

In exercise of the powers vested in them under Section 4 of the Mysore Explosives Act, Regulation No. II

of 1888, the Government of His Highness the Maharaja of Mysore propose to make the following amendment to condition 7 (2) of License Form 'B,' Mysore Explosives Rules, and a draft thereof is hereby published for the information of persons likely to be affected thereby. Any suggestions or objections regarding the draft amendment will be received till 15th April 1938 after which date, the draft will be taken into consideration. Objections or suggestions received after that date will not be considered.

Condition 7 (2) of License Form 'B'.

For the word "Fifty" the word "Hundred" shall be substituted.

By Order,

M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

No. G. 7985—P. H. 157-36-6, dated Bangalore, the 30th March 1938.

Under Section 20 of the Mysore Prevention of Adulteration Act, as amended from time to time, Government are pleased to issue the following Rules in regard to coffee :—

"Coffee" means the seed of cultivated varieties of Coffee Arabica, Coffee Liberica and Coffee Robusta.

"Green, raw or unroasted Coffee" is coffee freed from all but a small portion of its spermoderm, and conforms in variety and in place of production to the name it bears.

"Roasted Coffee" means properly cleaned green coffee which by the action of heat (roasting) has become brown and has developed its characteristic aroma and shall not contain any admixture of other substances than coffee save as under :—

The only permissible adulterant to coffee is chicory, which may be added to the coffee in a proportion not exceeding 50 per cent. The fact of such an addition and the exact proportion of the adulterant shall be clearly indicated on

the label of the container or packet, containing the mixture, in a conspicuous place and in distinct legible letters.

When ground coffee is sold or exposed for sale in loose form, *i.e.*, other than in specifically prepared packets or containers, the receptacles containing the coffee, or, on which it is exposed or kept for sale, shall be labelled with labels indicating the nature and extent of the adulterant present (if any) in letters not less than one-half of an inch in size. Absence of such a label will be taken to imply that the coffee so kept or exposed for sale is meant to be sold as pure coffee.

No. D. 6990—C. S. 11-36-253, dated Bangalore, the 30th March 1938.

In exercise of the powers vested in them under Section 44 (2) (g) of the Mysore Co-operative Societies Act VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following rule regarding the appointment of members of the Committee of Management of Co-operative Societies at District Headquarters.

Rule 6. B.—The management of every society situated at District Headquarters shall vest in a Committee consisting of not less than five and not more than fifteen elected in accordance with the bye-laws of the society. Such bye-laws shall make provision to ensure that not less than one-third of the total number of members of the Committee shall be persons who have not served at any time during the previous years on the Committee of Management.

The Registrar may, in the case of any society in which he considers that facilities for the enforcement of such restriction do not exist, permit all or any of the retiring directors to stand for re-election.

Nothing in this rule shall apply to the Apex Bank, the Central Land Mortgage Bank and the Mysore Co-operative Institute and to any other Co-operative Institution which may be exempted by Government from the operation of this rule.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 17.

BANGALORE, THURSDAY, APRIL 28, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 3422—R. T. 10-37-35, dated Bangalore, the 26th April 1938.

In exercise of the powers vested in them under Section 11 of the Motor Vehicles Act, 1928 and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 46 of Rule regarding Public Service Motor Vehicles, fixing the hours on duty of drivers and conductors, the draft rules in the said behalf having been published with notification No. T. 300—R.T. 10-37-29, dated 16—18th March 1938, in page 57 of Part IV of the *Mysore Gazette*, dated the 24th March 1938 :—

RULE.

" 46. Hours on duty of drivers and conductors :—

(*a*) No person shall drive or cause or permit any person employed by him or subject to his orders to drive a motor bus (*i*) for any continuous period of more than six hours, or (*ii*) for continuous periods amounting in the

aggregate to more than 11 hours in any period of 24 hours calculated from midnight, or (*iii*) so that the driver has not at least ten consecutive hours for rest in any period of 24 hours calculated from the commencement of any period of driving.

(*b*) All the provisions contained in the above sub-section apply *mutatis mutandis* in respect of conductors in motor buses.

(*c*) Every employer shall give to each driver and conductor a written order of employment in which the hours of duty shall be clearly specified.

(*d*) No driver or conductor shall be on duty outside the hours specified in the written order of his employer.

(*e*) No employer shall issue a written order to a driver or conductor in his employ fixing the hours of duty which is not in accordance with the timing prescribed in sub-section (*a*).

(*f*) In addition to the driver or conductor responsible and punishable for a breach of this rule, the registered owner or the employer shall also be responsible and punishable for such breach.

(*g*) For enforcing the provision contained in (*a*) read above, the proprietor shall maintain a book for each conductor or driver in the prescribed form;

No..... Date.....		No..... Date.....		
Bus No.		Number of the Bus.		
Name of driver or conductor.		Name of driver or conductor.		
Hour of starting work. Hour closing work.		Time and Place of arrival.	Time and place of departure.	Remarks: Initials of checking officer.
Signature of Proprietor or Manager.				
Signature of Driver or Conductor.				

(*h*) The foil of the form shall be with the driver or conductor during his hours of work and got initialled by the Checking Officer at places of checking and returned to the proprietor after his duty, who will paste it with the counterfoil making necessary entries in the latter.

(*i*) These books shall be got printed and supplied by the proprietors of buses and shall be open for inspection by the Police."

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No. D. 8211—*C. S.* 11-36-255, *dated Bangalore, the* 19—25*th April* 1938.

In exercise of the powers vested in them by Section 44 (2) (b) of the Mysore Co-operative Societies Act VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to substitute the following rule, for the existing rule 22, in regard to the levy of audit fees from Co-operative Societies, the draft rule in this behalf having been published on 6th January 1938 in the *Mysore Gazette*, at page 5 of Part III (i) of the Gazette.

Substitute the following for the existing rule 22:—

(1) Every Society will be liable to pay each year such audit fee as the Registrar may prescribe in accordance with the scale, fixed by Government.

(2) The Registrar may, in his discretion, remit the whole, or any part, of the fee payable under Sub-rule (1) by any particular Society, or by any particular class of Societies, for such time as is deemed necessary in each case.

(3) The audit fee levied under Sub-rule (1) shall be paid by the Society to the Registrar within a fortnight from the date of completion of the audit, and on failure to pay as aforesaid, it shall be recoverable in the manner specified in Section 45 of the Mysore Co-operative Societies' Act.

No. D. 8213—*C. S.* 11-36-254, *dated Bangalore, the* 19—25*th April* 1938.

In exercise of the powers vested in them by Section 44 (2) (d) of the Mysore Co-operative Societies Act of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rule restricting multiple membership in Co-operative Societies.

Rule 6C.—"No person being a member of a *Credit* society except a Land Mortgage Bank or a Central Financing Bank or a House Building Society, shall be a member of any other *Credit* society, without the general or special sanction of the Registrar; and where a person has become a member of two such credit societies, either or both of the societies shall be bound to remove him from membership upon a written requisition from the Registrar to that effect;

Provided that a month's notice shall be given to the person to select the society in which he wishes to continue as member, and his objections and wishes are duly considered by the Registrar before making the requisition.

Provided further that the Registrar may permit persons who are members of more than one credit society to continue their membership in them only for the purpose of discharging their obligations to these Institutions within a period to be fixed by him and not for contracting fresh obligations or for serving on the Committees of Management of such societies."

No. D. 8263—*C. S.* 11-36-257, *dated Bangalore, the* 26*th April* 1938.

In exercise of the powers vested in them by section 44 (2) (q) of the Mysore Co-operative Societies Act of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to frame the following rule regarding the limit of membership of Urban Co-operative Societies.

Rule 33 :—"In the case of any Urban Co-operative Society, other than a Stores Society, the membership of

which has, in the opinion of the Registrar, become unwieldy, the Registrar may, after hearing the objections, if any, of the society concerned, direct that further admissions be stopped or fix the maximum strength of membership for the said society. From an order passed by the Registrar under this Rule, an appeal shall lie to Government within two months from the date of the communication of the order to the society concerned."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

No. 3209—L. C., dated Bangalore, the 22nd April 1938.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the bill for the removal of disabilities arising from change of religion or deprivation of caste is published for general information.

By Order,

A. SUNDARARAJA RAO,

Secretary,
Mysore Legislative Council.

Report on the bill for the removal of disabilities arising from change of religion or deprivation of caste.

We, the members of the Select Committee appointed to consider the bill for the removal of disabilities arising from change of religion or deprivation of caste, have considered the bill and have now the honour to submit this our report :—

Clause 2—Illustration (g).—The illustration may be worded as follows to make the meaning clear :—

> "A Hindu voluntarily renounces the world and becomes a sanyasi. He will not be affected by this Act."

As the bill has not been altered materially, it need not be republished.

S. P. RAJAGOPALACHARI (*Chairman*).
K. R. SRINIVASAIENGAR.
MAHOMED ABBAS KHAN.
B. S. PUTTASWAMY.
MIRLE N. LAKSHMINARANAPPA.
S. NIJALINGAPPA.
D. V. GUNDAPPA.
K. V. ANANTARAMAN.

Messrs. M. Venkatesa Iyengar, P. Subbarama Chetty and Dr. F. X. DeSouza were unable to be present at the meeting.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 19.

BANGALORE, THURSDAY, MAY 12, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 6264—*Cts.* 188-37-1, *dated Bangalore, the 9th May* 1938.

The Government of His Highness the Maharaja of Mysore are pleased to direct under Section 1 (iii) of the Mysore Extradition Act VI of 1938 that the said Act shall come into force with effect from the 1st June 1938.

By Order,

H. V. RAMASVAMI,

Offg. *Chief Secretary to Government.*

No. T. 3641—*R. T.* 9-37-25, *dated Bangalore, the 6th May* 1938.

In exercise of the powers conferred on them by Section 13 of the Mysore Road Traffic and Taxes Act VI of 1935, as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to exempt Lieut. Colonel J. B. Hance, O.B.E., I.M.S., Residency Surgeon, residing within the Mysore Territory, from the payment of Vehicle Tax in respect of his motor car Fiat 1933 Model bearing the Bombay Registration No. W. 5742.

No. T. 3676—*R. T.* 10-37-38, *dated Bangalore, the 9th May* 1938.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act 1928, to Rule 12-A of the Mysore Motor Vehicles Rules 1924 as amended from time to time and printed at page 48 of the Mysore Motor Manual, is hereby published for the information of persons likely to be affected thereby and any suggestions or objections received on or before the 10th June 1938 will be considered by Government before issuing the rule finally.

Draft Amendment.

Substitute the following for Rule 12-A of the Mysore Motor Vehicles Rules 1924:—

"Whenever the structure of a motor vehicle once registered is so altered as to increase or decrease the weight of the vehicle or alter its carrying capacity, the registered owner or person in possession or having control of the vehicle, shall surrender the original certificate of registration to the Registering Authority and obtain a fresh number and certificate of registration for the vehicle on payment of the fee prescribed in Rule 4 of the Motor Vehicles Rules.

NOTE.—A vehicle is said to be altered, among other things, when the engine or chassis is changed.

The Registering Authority shall, if he is satisfied that the owner or person in possession of or having the control of the vehicle has been delaying the registration of the vehicle under the above clause, without assigning sufficient reasons for the delay, suspend the original registration of the vehicle until the vehicle is re-registered."

No. T. 3678—R. T. 10-37-39, dated Bangalore, the 10th May 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act 1928, and Section 33 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following amendment to the Mysore Motor Vehicles Rules 1924, as amended from time to time, the draft in the said behalf having been already published with Notification No. T. 2118—R. T. 10-37-13, dated 15th January 1938 at page 12 part IV of the *Mysore Gazette*, dated 20th January 1938.

Amendment.

The following shall be added as Rule 16 (C) of the Mysore Motor Vehicles Rules 1924, as amended from time to time:—

16(C)—(1) The Traffic Board, may, either on its own motion or on an application made by the party affected, call for and examine the record of any enquiry made or order passed by the District Magistrate under Rule 16 (B), for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of the District Magistrate. If, in any case, it shall appear to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it may deem fit.

(2) No application made by the party affected shall be entertained by the Board unless it is presented within sixty days from the date of the order complained against.

(3) Subject to the powers of revision vested in the Board, the order of a District Magistrate suspending or cancelling a Driving License, shall be final.

(4) In any application for revision under the foregoing rules, the Board may, pending the disposal of the application, direct the execution of the decision or order complained against to be suspended.

(5) The power of the Board under any of the foregoing rules may be exercised by the Chairman or by any other member or members of the Board as may be authorised by the Chairman in this behalf.

(6) The decision of the Traffic Board shall be final.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department

No. G. 8913—*P. H.* 44-37-16, *dated Bangalore, the 9th May* 1938.

Under Section 1 (2) of the Mysore Prevention of Adulteration Act IX of 1921, as amended by Acts IV of 1929 and IV of 1930, Government are pleased to extend the provisions of the said Act to the Mandya Town Municipality in respect of milk (Buffaloes' and Cows'), butter and ghee.

By Order,

P. H. KRISHNA RAO,
Secretary to Government,
Local Self-Government Department.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 20.

BANGALORE THURSDAY, MAY 19, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 3690—*R. T.* 10-37-40, *dated Bangalore, the* 10*th May* 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 32 (ii) of the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 as amended from time to time (*vide* page 90 of the Mysore Motor Manual 1938) the draft amendment in the said behalf having already been published with Notification No. T. 2918—R. T. 10-37-27, dated 16th March 1938 at page 55 of Part IV of the *Mysore Gazette*, dated the 17th March 1938.

AMENDMENT.

The following rule shall be substituted for Rule 32 (ii) of the Rules regarding Public Service Motor Vehicles :—

"32 (ii) Permit-holders shall maintain additional vehicles as spares for the running of relief services in cases of break-down of vehicles used on regular service or in other emergencies, on the scale of one spare bus for every five buses used on regular services.

Permit-holders maintaining less than five buses are exempt from maintaining a spare bus but they should make proper arrangements for purposes of relief in emergencies. The licenses of such permit-holders shall be cancelled in case of default of the aforesaid condition."

No. T. 3715—R. T. 9-37-26, dated Bangalore, the 12th May 1938.

In exercise of the powers conferred on them by Sections 13 and 22 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to exempt the Yuvaraja of Jind from payment of all taxes and tolls under the said Act and also all tolls due under the Municipal Acts in respect of his motor vehicles during the period of his present stay in Mysore State.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No. G. 9002—P. H. 44-37-18, dated Bangalore, the 11th May 1938.

Under Section 90 of the Mysore Prevention of Adulteration Act IX of 1921 as amended by Acts IV of 1929 and IV of 1930, Government propose to make the rules issued in Notification No. G. 2463—Sany. 61-30-7, dated the 22nd September 1931 (annexed hereto) applicable to the Mandya Town Municipality. Any objections to this proposal, if made in writing and received on or before the 1st June 1938, will be duly considered.

By Order,

P. H. KRISHNA RAO,
Secretary to Government,
Local-Self Government Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (*b*).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (*c*).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (*d*).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (*e*).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows :—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample

of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—(8) Where a sample of milk separated or skimmed milk, deposits, on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (*f*).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an

unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (*g*).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (*h*).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added ahall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels,

receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

No. G. 8989—*P. H.* 44-37-19, *dated Bangalore, the* 11*th May* 1938.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government are pleased to extend to the Bhadravati New Town Board Area the following rules issued with Government Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 :—

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the diploma of Public Health. No legal proceedings under the Act shall be instituted

without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (*b*).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (*c*).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (*d*).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (*e*).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed

for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison

with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—(8) Where a sample of milk, separated or skimmed milk, deposits, on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (*f*).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an un-ambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient

has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (*g*).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (*h*).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give

the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

No. 3733—L. C. Bangalore, dated 12th May 1938.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill further to amend the Mysore Limitation Act, 1911, is published for general information,

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Mysore Limitation Act, 1911.

We, the undersigned members of the Select Committee to which the Bill further to amend the Mysore Limitation Act 1911, was referred, have considered the Bill and have now the honor to submit this our Report.

2. We consider that no changes are necessary.

3. The Bill need not be republished.

K. R. SRINIVASA IYENGAR
(*Chairman*).
C. HAYAVADANA RAO,
BELUR SRINIVASA IYENGAR,
MIRLE N. LAKSHMINARANAPPA,
M. VENKATESA IYENGAR.

Messrs. B. S. Puttuswamy and P. Subbarama Chetty were unable to be present at the meeting. *Rajamantrapravina* S. P. Rajagopalachari being unable to be present at the meeting, *Rajasabhabhushana Diwan Bahadur* K. R. Srinivasa Iyengar was elected as Chairman.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, WEDNESDAY, JUNE 1, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 3811—*L. C., dated Bangalore,* 26*th May* 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Societies Registration Act, 1904, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Societies Registration Act, 1904.

Whereas it is expedient to amend the Societies Registration Act, 1904; It is hereby enacted as follows:—

1. This Act may be called the Societies Registration (Amendment) Act, 193

2. Section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act), shall be numbered as clause (a) thereof and to that clause the following words shall be added at the end, namely,

"and a copy of the Balance Sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1917, shall also be filed with the Registrar of Joint-Stock Companies at the same time."

3. After clause (a) of section 5 of the said Act, the following clauses shall be inserted, namely,—

"(b) A filing fee of one rupee each shall be paid along with the list and the Balance Sheet referred to in clause (a). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents."

"(c) if a Society fails to submit the returns as required by this section the Registrar shall call for the same to be submitted within a specified date, and if the Society still makes default in submitting the returns, the Registrar may levy a fine of Rs. 2 for every day during which the default continues. The fine so levied shall be recoverable as an arrear of land revenue."

4. After section 21 of the said Act, the following new section shall be added, namely,—

"22. The Government may make such rules as it thinks expedient for the carrying out of the purposes of this Act."

Statement of Objects and Reasons.

The Mysore Societies Registration Act, III of 1904, was framed on the model of the British Indian Societies Act XXI of 1860, which (with the exception of two minor amendments, Act XXII of 1927 and Act II of 1912) has not been amended.

According to section 5 of the Act, a Society is required to send a list of Members of the Governing Body and there

is no penal provision in the said Act to enforce its submission. Several Societies have been registered and there is no record whether they are working or not. There have been several complaints of mismanagement of Societies, and in the absence of any provision for the submission of "Receipt and Expenditure" accounts by these Societies, there is no check on their working.

There have been several representations in the Representative Assembly and Legislative Council, for measures to check effectively the management of these Societies.

Though in the year 1935, rules for the removal of the names of defunct Societies, and for the destruction of their records, etc., based on the rules in force in Madras, were introduced here also, yet these provisions have not improved the working of these Societies much.

In the last June Session of the Legislative Council it was urged, that rules, for the effective supervision of the Societies by demanding the annual audited Balance Sheets and Statements of Accounts and Reports, might be framed, and that on default by the Societies, registration might be cancelled. As most of the Societies receive Government grants it is necessary to have a check over their working.

With a view to secure effective control over the Societies, it is proposed to insist on the submission of a balance sheet and accounts audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1917. The levy of a filing fee of rupee one, for each of the lists of members and the balance sheet is also provided for.

The Registrar is empowered to call for the above documents in case of default on the part of the Societies, and to levy, in his discretion, a fine of Rs. 2 per day of delay. To facilitate the recovery of fines, provision has been made for their recovery as arrears of Land Revenue.

Provision is also made empowering the Government to frame rules for carrying out the purposes of the Act.

NOTIFICATION.

No. 3880—L. C., dated Bangalore, 28th May 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the better control of the publication of newspapers and other printed works containing public news, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

Preamble.

WHEREAS it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows:—

Short tittle and extent.

1. (1) This Act may be called the Mysore Newspapers Act, 193 .

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "Magistrate" means a District Magistrate;

(4) "newspaper" means any periodical work containing public news or comments on public news;

(5) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 5;

(6) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.

Permission to publish.

3. No newspaper shall, without the written permission of the Government be published, and any such permission may, at any time be withdrawn by the Government.

Control of Printing Presses and Newspapers.

Deposit of security by keepers of printing presses.

4. (1) Any person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 5 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security or press forfeited in certain cases.

5. Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which end directly or indirectly—

(*c*) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any Police Force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above:

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government, and may also

declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation.—(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

6. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section 5 or section 7, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 5 or section 7, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and publications forfeited.

7. (1) If after security has been deposited under section 6, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare--

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of security by publisher of newspaper.

8. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose :

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 9 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which

security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security forfeited in certain cases.

9. (1) If any newspaper in respect of which any security to be deposited under section 8 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations.—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

10. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 9 or section 11, any person making a fresh declaration under section 5 of the Press and Registration

of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 9 or section 11, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

11. (1) If, after security has been deposited under section 10, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

Penalty for keeping press or publishing newspaper without making deposit.

12. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 4 or section 6 as required by the Government or the Magistrate as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, as required by the Government or the Magistrate as the case may be,

or publishes such newspaper knowing that such security has not been deposited or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

Consequence of failure to deposit security as required.

13. (1) Where a deposit is required from the keeper of a printing press under section 4 such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 6, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 8 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore shall be deemed to be annulled.

Return of deposited security in certain cases.

14. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

Issue of search warrant.

15. Where any printing press is or any copies of any newspapers, book or other document are declared forfeited to Government under section 5, section 7, section 9, section 11, or section 13, the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of a Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises.

(i) Where any such property may be or may be reasonably suspected to be; or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

Authorisation of persons to publish news-sheets.

16. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize and destroy unauthorised news-sheet and newspapers.

17. (1) Any Police Officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

18. (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 17.

Penalty for disseminating unauthorised news-sheets and newspapers.

19. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspapers, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

20. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notification in the Official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

Forfeiture of newspaper, etc., containing objectionable matters.

21. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Non-transmission by Post.

22. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 4 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 8, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 5, section 7, section 11 or section 20 may, within two months from the date of such order, apply to the High Court to set aside such order, and the High Court, shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section 5, sub-section (1).

Application to High Court to set aside order of forfeiture.

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 13 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

23. Every such application shall be heard and determined by a Special Bench of the High Court consisting of not less than two Judges.

Hearing by Special Bench.

24. (1) If it appears to the Special Bench on an application under sub-section (1) of section 22 that the words, signs or visible representations contained in the

Order of Special Bench setting aside forfeiture.

newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 5, sub-section (1), the Special Bench shall set aside the order.

(2) If it appears to the Special Bench on an application under sub-section (2) of section 22 that the printing-press was not used in contravention of sub-section (1) of section 13, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

Evidence to prove nature or tendency of newspaper.

25. On the hearing of an application under sub-section (1) of section 22 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspapers, in respect of which the order was made.

Procedure in High Court.

26. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

Service of Notices.

27. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of

such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of search.

28. Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

Jurisdiction barred.

29. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 22 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

Operation of other laws not barred.

30. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act.

Declarations before whom to be made.

31. All declarations required to be made under section 4, section 5 and section 8 of the Press and Registration of Books Act of 1867 as in force in Mysore shall be made before a District Magistrate.

Repeal.

32. The Mysore Newspapers Act III of 1908 is hereby repealed.

Statement of Objects and Reasons.

The repeal of the Newspaper Act, 1908, has been several times urged in the Representative Assembly and the Legislative Council. A request was made in the Representative Assembly at its last Dasara Session that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. Government expressed willingness to replace the present Act by an Act on nearly the same lines as the law in force in British India and this Bill has been accordingly prepared. The main principles of the Bill are as follows :—

1. The permission of Government must be obtained before the publication of a newspaper as heretofore.

2. The Magistrate before whom declaration is made may demand security either from the keeper of the

press or from the publisher of the newspaper under certain circumstances.

3. The Government may, if it appears to them that the press is used for printing or publishing objectionable matter such as incitement to the commission of an offence, seduction of military, sedition, etc., declare the security forfeited or, where no security is deposited, declare the press to be forfeited and the declaration made under the Press and Registration of Books Act, shall be annulled.

4. Where the security has been forfeited, any person making a fresh declaration in respect of such press or newspaper shall deposit a security of a larger amount.

5. If the press or the newspaper is again used for printing or publishing objectionable matter, the Government may forfeit the further security and the fresh declaration shall be annulled. No further declaration in respect of such newspaper shall be made save with the permission of the Government.

6. Failure to deposit security which is ordered is subject to the same penalty as the one to which the person would be liable for failure to make a declaration under the Press and Registration of Books Act.

7. Where a press or copies of a newspaper are declared forfeited, a Magistrate may authorise the Police to search for and seize them.

8. Unauthorised news-sheets or newspapers may be seized or destroyed.

9. Selling, publishing or keeping for sale or publication of any unauthorised news-sheet or newspaper is made punishable.

10. Any newspaper, book or document which appears to Government to contain objectionable matter may be declared to be forfeited.

11. Provision is made for application to the High Court against the orders of Government demanding security either from the keeper of the press, or from the publisher of a newspaper, or from an order of Government forfeiting the press or security deposited by such persons.

The bill closely follows the Criminal Law Amendment Act of 1935. The penalty of deportation fixed in certain cases under the existing Act is removed and imprisonment is substituted for certain offences.

Regd. No. M.—1175.

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The Mysore Gazette

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, WEDNESDAY, JUNE 1, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 3926—L. C., Bangalore, dated 31st May 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Cigarette-Tobacco Safeguarding Bill is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

The Mysore Cigarette-Tobacco Safeguarding Bill

A Bill to provide for the development of Cigarette-tobacco cultivation and for safeguarding the insterests of Cigarette-tobacco cultivators in Mysore.

Whereas it is expedient for the fostering and development of Cigarette-tobacco cultivation in Mysore to take power for controlling the seed supply and the curing and marketing of Cigarette-tobacco in the State and for safeguarding the interests of tobacco cultivators; it is hereby enacted as follows:—

1. This Act shall be called the Mysore Cigarette-tobacco Safeguarding Act.

2. (1) It extends to the whole of Mysore.

(2) It shall come into operation from such date as the Government may by notification in the official Gazette direct.

3. In this Act, unless there is anything repugnant in the subject or context.—

(*a*) "Cigarette-tobacco" shall include the following varieties, *viz.*, Harrison Special, Cash, Adcock, Burley and all other flue-cured varieties of tobacco used for the manufacture of cigarettes;

(*b*) "Barn" means any structure in which raw tobacco leaf is cured by heat radiating from flue-pipes or tubes connected with an oven or a plant generating steam or electricity;

(*c*) "Seed-bed" means earthen beds in which tobacco seed is sown and seedlings raised;

(*d*) "License" means a license granted under this Act and 'Licensed' and 'Licensee' shall have corresponding meanings.

(*e*) "Prescribed" means prescribed by rules made under this Act.

4. (1) It shall be lawfull for the Government to grant to any person or persons on such conditions and for such periods as may seem fit, licenses for raising seed-beds for supply of seedlings to growers and for the construction of barns for curing Cigarette-tobacco.

(2) Such conditions in regard to seed-beds may specify the source from which the seed may be obtained, the places where seed-beds are to be located, the preventive measures to be taken against insect pests and plant diseases and other matters relating to the proper preparation of seedlings;

(3) Such conditions in regard to the construction of barns by growers to cure tobacco grown by them may specify the localities and places where they are to be constructed, the kind of material to be used, the dimensions of the barn, the oven, and flue-pipes and chimneys.

(4) Where such barns are proposed to be constructed by curers for curing tobacco grown by others, such conditions may also prescribe and limit the zones within which they may take up the curing of tobacco grown by cultivators and the distance to be observed from the nearest existing barn and also the extent of tobacco area corresponding to a barn, the minimum prices to be paid for leaves under agreements to be entered into by them in writing which the growers before transplantation of seedlings.

5. It shall not be lawful for any person after the expiration of three months from the coming into force of this Act to carry on the business of raising seed-beds or the construction of barns for curing Cigarette-tobacco except under the authority and subject to the terms and conditions of a license granted in accordance with the provisions of this Act.

6. The decision of the Government as to whether a license may or may not be granted shall be final.

7. The Government may by special or general order require the applicant for a license or a licensee or any person who being a partner, proprietor, manager or an officer of a company or factory is able to give information, to furnish such information within such time as they may fix.

8. For the purpose of this Act and the rules framed thereunder the Director of Agriculture or any officer authorised by him shall have the right of access to any land or premises wherein tobacco seed-beds, or curing barns are located and into any land where Cigarette-tobacco is cultivated for examination with reference to the prevalence of insect pests or plant diseases and to all other relevent matters within the purview of this Act and the Rules thereunder.

9. The Director of Agriculture or any officer to whom this power is delegated by him with the approval of Government shall have the power to order the destruction of all tobacco seedlings or plants which in his opinion are so badly infested with pest or diseases or parasite as to

be a source of the spread of such pest, parasite or disease. The decision of the Director of Agriculture on this point shall be final.

10. On default of the party to comply with the said order the Director of Agriculture shall have the power to arrange for the destruction of such affected plants—the cost incurred for such destruction being recoverable in the same manner as arrears of land revenue.

11. The Government may by notification in the Official Gazette, make rules requiring the owners of curing barns in Mysore to make such returns to them, prescribing the form of such returns, the dates of their submission and the authority to whom they shall be submitted.

12. It shall be permissible for any seller of cured Cigaratte tobacco to sell them ungraded; but where a different description does not expressly appear in the terms of a contract, the several grades of cured tobacco for purposes of marketing shall be resumed to be the grades indicated in the Schedule appended to this Act.

13. (1) Whoever contravenes any of the provisions of this Act or of the rules made thereunder shall be punishable with fine which may extend to rupees five hundred or in case of continued contravention with a fine which may extend to rupees Fifty for every day during which the contravention is continued after conviction therefor.

(2) Any person who (a) refuses or neglects to furnish any information required to be furnished for the purpose of this Act or rules made thereunder, (b) refuses access to the Director of Agriculture or officer authorised by him for inspection of seed-beds, cultivation and curing, or (c) fraudulently uses or permits to be used any license issued under this Act, shall be punishable with fine which may extend to rupees one hundred.

14. Where the person guilty of an offence under this Act is,—

(*a*) an Association or Firm, every partner, member, manager, or secretary and other officer thereof who is knowingly a party to the default, and

(*b*) a Company, every Director, Manager, Secretary and other officer thereof who is knowingly a party to the default,

shall also be guilty of the like offence and liable to the like punishment.

Regd. No. M—1175.

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By Order,

A. SUNDARARAJA RAO,
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(2) Such conditions in regard to seed-beds may specify the source from which the seed may be obtained, the places where seed-beds are to be located, the preventive measures to be taken against insect pests and plant diseases and other matters relating to the proper preparation of seedlings;

(3) Such conditions in regard to the construction of barns by growers to cure tobacco grown by them may specify the localities and places where they are to be constructed, the kind of material to be used, the dimensions of the barn, the oven, and flue-pipes and chimneys.

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5. It shall not be lawful for any person after the expiration of three months from the coming into force of this Act to carry on the business of raising seed-beds or the construction of barns for curing Cigarette-tobacco except under the authority and subject to the terms and conditions of a license granted in accordance with the provisions of this Act.

6. The decision of the Government as to whether a license may or may not be granted shall be final.

7. The Government may by special or general order require the applicant for a license or a licensee or any person who being a partner, proprietor, manager or an officer of a company or factory is able to give information, to furnish such information within such time as they may fix.

8. For the purpose of this Act and the rules framed thereunder the Director of Agriculture or any officer authorised by him shall have the right of access to any land or premises wherein tobacco seed-beds, or curing barns are located and into any land where Cigarette-tobacco is cultivated for examination with reference to the prevalence of insect pests or plant diseases and to all other relevent matters within the purview of this Act and the Rules thereunder.

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11. The Government may by notification in the Official Gazette, make rules requiring the owners of curing barns in Mysore to make such returns to them, prescribing the form of such returns, the dates of their submission and the authority to whom they shall be submitted.

12. It shall be permissible for any seller of cured Cigaratte-tobacco to sell them ungraded; but where a different description does not expressly appear in the terms of a contract, the several grades of cured tobacco for purposes of marketing shall be resumed to be the grades indicated in the Schedule appended to this Act.

13. (1) Whoever contravenes any of the provisions of this Act or of the rules made thereunder shall be punishable with fine which may extend to rupees five hundred or in case of continued contravention with a fine which may extend to rupees Fifty for every day during which the contravention is continued after conviction therefor.

(2) Any person who (a) refuses or neglects to furnish any information required to be furnished for the purpose of this Act or rules made thereunder, (b) refuses access to the Director of Agriculture or officer authorised by him for inspection of seed-beds, cultivation and curing, or (c) fraudulently uses or permits to be used any license issued under this Act, shall be punishable with fine which may extend to rupees one hundred.

14. Where the person guilty of an offence under this Act is,—

(*a*) an Association or Firm, every partner, member, manager, or secretary and other officer thereof who is knowingly a party to the default, and

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shall also be guilty of the like offence and liable to the like punishment.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 22.

BANGALORE, THURSDAY, JUNE 2, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 3877—*R. T.* 10-37-41, *dated Bangalore, the* 30*th May* 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft in the said behalf having already been published with Notification No. T. 3292—R. T. 10-37-34, dated 12th April 1938 in Part IV of the *Mysore Gazette*, dated 21st April 1938.

Amendment.

In Rule 9 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the words 'and $\frac{\text{MYS}}{\text{A}}$' be added to indicate the register number exceeding 4 digits of motor vehicles registered in Mysore State.

The rule after amendment will read as follows:—

"9. The distinguishing letters for registration of motor vehicles under these rules shall be MYS. and MYS/A."

By Order,
C. SUBRAHMANYA AIYAR,
Ag. *Secretary to Government,*
General Department.

No. D. 9017—Geol. 55-37-7, dated Bangalore, the 30th—31st May 1938.

In exercise of the powers conferred by Section 4 of the Mysore Explosives Act No. II of 1888, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendment to condition 7 (2) of License Form 'B', Mysore Explosives Rules:—

Condition 7 (2) of License Form 'B':—

For the word "Fifty" the word "Hundred" shall be substituted.

By Order,

M. VENKATANARANAPPA,

Secretary to Government,
Development Department.

No. G. 9606—P. H. 44-37-23, dated Bangalore, the 31st May 1938.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government propose to make the rules issued in Notification No. G. 2463—Sani. 61-30-7, dated 22nd September 1931 (annexed hereto) applicable to the Magadi Town Municipality. Any objections to this proposal, if made in writing and received on or before 1st July 1938, will be duly considered.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health

Officer or shall hold the diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (*b*).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (*c*).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (*d*).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (*e*).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows :—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less

than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale

or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—(8) Where a sample of milk separated or skimmed milk, deposits, on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (*f*).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk,

any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (*g*).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (*h*).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added ahall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of

the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

No. G. 9603—P. H. 44-37-22, dated, Bangalore the 31st May 1938.

Under Section 1 (2) of the Mysore Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government are pleased to extend the provisions of the said Act to Magadi Town Municipality, in respect of milk (cow's and buffalo's), ghee and butter.

By Order,

P. H. KRISHNA RAO,
Secretary to Government,
Local Self-Government Department.

No. P. 6825, dated 1st June 1938.

In exercise of the powers conferred by section 20 of the Mysore Extradition Act VI of 1938, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules; namely :—

[SUB-SECTION 2 (b).]

1. In any proceedings against any person under the provisions of the Mysore Extradition Act VI of 1938, or of any extradition arrangements for the extradition of offenders, the magistrate, acting in such proceedings and any police officer authorised to arrest such person under the provisions of the said Act or of such extradition arrangements may exercise in any place in Mysore in

respect of any property in the possession of such person or of any other person which appears to such magistrate or police officer to have been the subject of or to be required for proof of the offence in respect of which the proceedings are being taken, the powers respectively of a court and of an officer in charge of a police station under the Code of Criminal Procedure, 1904, as if such property were property the production of which is necessary for the purposes of any investigation or trial under the said Code by or before such Court or officer, and the provisions of the said code, so far as they can be made applicable, shall apply to any summons or warrant issued in pursuance of this Rule and to any search made under the authority of any warrant so issued and to the disposal of any property seized in any such search.

2. Such magistrate may send such property to the Provincial Government or the State to which such person is surrendered and shall have, in respect of any such property produced before him in such proceedings or returned by the aforesaid States all the powers of disposal vested in a Court under the Code of Criminal Procedure, 1904, in respect of any property produced before it during any inquiry or trial.

[SUB-SECTION 2(*d*).]

3. Warrants, depositions or statements on oath which purport to have been issued, received or taken by any Court of Justice outside the Mysore State, or copies thereof, and certificates of, or judicial documents stating the fact of, conviction before any such court, shall be deemed duly authenticated;

(*a*) if the warrant purports to be signed by a Judge, Magistrate or Officer, of the State or Provincial Governments in British India where the same was issued or acting in or for such State or Provincial Government;

(*b*) if the depositions or statements or copies thereof purport to be certified, under the hand of a Judge, Magistrate or Officer of the State or Provincial Government where the same were taken, or acting in or for such State or Provincial Government to be the original depositions or statements or to be true copies thereof, as the case may require;

(*c*) if the certificate of, or judicial document stating the fact of a conviction purports to be certified by a

Judge, Magistrate or Officer of the State or Province where the conviction took place or acting in or for such State or Provincial Government;

(*d*) if the warrants, depositions, statements, copies, certificates and judicial documents, as the case may be, are authenticated by oath of some witness or by the official seal of a Minister of the State or Provincial Government where the same were respectively issued, taken or given.

[SUB-SECTION 2(*e*).]

4. The District Magistrates in British India or the Chief Presidency Magistrates in any Presidency Towns in British India and the Political Agents of the States shall be the authorities whose requisitions may be acted upon under this Act.

[SUB-SECTION 2(*f*).]

5. All communications in matters of extradition, between this State and other Indian States or between this Government and any Provincial Government in British India shall pass through the Mysore Residency.

By Order,

H. V. RAMASVAMI,

Offg. *Chief Secretary to Government.*

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 23.

BANGALORE, THURSDAY, JUNE 9, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 3969—R. T. 38-37-10, dated Bangalore, 4th June 1938.

In exercise of the powers conferred on them by Section 13 of the Mysore Road Traffic and Taxes Act VI of 1935, as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct that taxes in respect of buses and lorries registered within 14 days prior to the ending of a quarter shall be collected only from the quarter immediately following such registration, provided that the said vehicles are not used during the quarter in which they were registered.

By Order,

C. SUBRAHMANYA IYER,
(Ag.) *Secretary to Government,*
General Department.

No. D. 9100—*C. S.* 11-36-264, *dated Bangalore, the 2nd June* 1938.

ERRATUM.

For the figure "44 (2) (*b*)" in Notification No. D. 8211—C. S. 11-36-255, dated 25th April 1938, published in Part IV of the *Mysore Gazette*, dated the 28th April 1938, read "44 (2) (*h*)."

No. D. 9155—*C. S.* 11-36-265, *dated Bangalore, the 4th June* 1938.

In exercise of the powers vested in them under Section 44 (2) (g) of the Mysore Co-operative Societies Act VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following rule in the matter of the constitution of the Mysore Provincial Co-operative Apex Bank, Ltd., Bangalore:—

Rule 32.—1. The management of the Mysore Provincial Co-operative Apex Bank, Ltd., shall vest in a Board of Directors consisting of 15 persons including the President.

2. The President of the Board shall be elected annually by the General Body at the Annual General Meeting subject to the approval of Government.

3. Two Directors shall be nominated by Government and they shall hold office till their successors are appointed.

4. Of the remaining Directors, five shall be representatives of affiliated rural co-operative societies, five of affiliated urban co-operative societies and two of preference share-holders.

5. The representatives of rural and urban affiliated co-operative societies and of the preference share-holders shall be elected at the Annual General Meeting of the Bank by their own respective groups of electors.

6. The members of the Board nominated by Government under Clause 3 above, need not necessarily be share-holders of the Bank.

7. Of the twelve members of the Board elected in accordance with Clause 5 above, five shall retire by rotation at each annual general election, two each from out of the representatives of the rural and urban affiliated co-operative Societies and one from out of the representatives of preference share-holders and they shall not be eligible for re-election till the next following Annual General Meeting of the Bank, the Directors to retire every year being determined by lot at a meeting of the Board prior to such annual general meeting and their names being mentioned in the Annual Report.

8. Any casual vacancy occurring in the Office of the President or other elected Directors by death, resignation or any other cause shall be filled up for the unexpired term of their office by the remaining members of the Board in such a way that the numbers of representatives of the preference share-holders and of urban and rural societies is in conformity with Clause 4 above, the election of the President being subject to the approval of Government.

9. The Chief Executive Officer of the Bank shall be the Secretary. He shall be a whole-time salaried Officer who shall be appointed by the Board subject to the approval of Government. He shall not be a member of the Board.

10. The Bank shall have a qualified Auditor on its staff for purposes of internal continuous audit and his appointment shall be subject to the approval of the Registrar.

N.B.—The expression "Urban Co-operative Societies" in this Rule shall mean and include all co-operative societies situated within the jurisdiction of the City and Town Municipalities in Mysore.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 25.

BANGALORE, THURSDAY, JUNE 23, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 4081—R. T. 26-37-22, dated Bangalore, the 16th June 1938.

Subject.—*Refund of Taxes.*

In exercise of the powers conferred upon them by sub-section (4) of section (9) of the Mysore Road Traffic and Taxes Act No. VI of 1935 as amended by Act No. IX of 1936, the Government of His Highness the Maharaja are pleased to issue the following amendment to clause (d) of Rule 24 of the Mysore Motor Vehicles Tax Rules, Part I (Page 144 of the Mysore Motor Manual) :—

Amendment.

Rule 24 (d). Delete the words "on tour" at the end of sub-clause (i).

The sub-clause after the said amendment will read as follows :—

"(i) the said person being out of the State."

December 1935, and the existing rule 52 re-numbered as 52 (ii). (*Vide* page 100 of the Mysore Motor Manual 1938.)

"52 (i). A permit to ply a motor cab will be given only if the District Magistrate is satisfied that the person applying for the permit is a fit and proper person and has the capacity to manage the service efficiently."

No. T. 4161—*R. T.* 10-37-48, *dated Bangalore, the* 20*th June* 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, he Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft in the said behalf having already been published with Notification No. T. 2874—R. T. 10-37-25, dated 9/11th March 1938, at page 54, Part IV of the *Mysore Gazette*, dated 17th March 1938.

AMENDMENT.

The following shall be added as Note to para 1 of Rule 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time :—

NOTE.—The registration of a motor vehicle purchased under a hire purchase agreement shall be effected only after the hirer satisfies the registering authority as to his status and financial stability.

No. T. 4171—R. T. 38-37-12, Bangalore, dated 20th June 1938.

Subject.—RECOVERY OF NET TAX.

In exercise of the powers vested in them under section 13 of the Mysore Road Traffic and Taxes Act No. VI of 1935, as amended by Act No. IX of 1936, the Government of His Highness the Maharaja are pleased to

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 25.

BANGALORE, THURSDAY, JUNE 23, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 4081—R. T. 26-37-22, dated Bangalore, the 16th June 1938.

Subject.—*Refund of Taxes.*

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Amendment.

Rule 24 (d). Delete the words "on tour" at the end of sub-clause (i).

The sub-clause after the said amendment will read as follows :—

"(i) the said person being out of the State."

No. T. 4084—*R. T.* 9-37-31, *dated Bangalore, the* 16*th June* 1938.

In exercise of the powers conferred on them by Sections 13 and 22 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the marginally noted Motor Vehicles belonging to His Highness the Prince of Berar be exempt from taxes and tolls under the said Act and also all tolls due under the Municipal Acts, during the period of His Highness's present stay in Mysore State.

Buick Grey 1937 Model, distinguishing No. Hyderabad.			
Buick Yellow 1936	do	do	do
Plymouth grey 1937	do	do	do
Plymouth 1937	do	do	do
Austin 1937	do	do	do
Chevrolet 1937	do	do	do
Oldsmobile 1937	do	do	do
International Bus			do

No. T. 4141—*R. T.* 10-37-46 *Bangalore, dated the* 20*th June* 1938.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, to Rule 45 (i) and (ii) of the Rules regarding public service motor vehicles as amended from time to time (*vide* page 98 of the Mysore Motor Manual, 1938) is hereby published for the information of persons likely to be affected thereby and any suggestions or objections received on or before the 14th July 1938 will be considered by Government, before issuing the rule finally :—

Draft Amendment.

The following may be substituted for Rule 45 (i) and (ii) of the Rules regarding public service motor vehicles (*vide* page 98 of the Mysore Motor Manual, 1938).

45. (*i*) The proprietor of motor buses should obtain a duly numbered driver's badge from the District Superintendent of Police in respect of each vehicle maintained by him. The proprietor shall supply such badge to the driver of the vehicle in respect of which the badge is issued. The driver shall wear the badge in a conspicuous place on his left breast.

(*ii*) The fee payable for a badge shall be one rupee. If a badge is lost, a new one shall be obtained on payment of a similar fee.

(*iii*) The proprietor shall surrender the badge to the District Superintendent of Police on the permit for the vehicle being suspended or cancelled or becoming time expired. If the badge is not surrendered, the proprietor shall be liable to pay a fee of one rupee to the District Superintendent of Police.

No T. 4151—*R. T.* 10-37-47, *dated Bangalore,* 20*th June* 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act 1928, and Sections 5 and 33 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following amendments to Rule 9(i) of the Rules regarding permits for Motor Lorries and Rule 52 of the Rules regarding Public Service Motor Vehicles (*vide* pages 126 and 100 respectively), the draft in the said behalf having already been published with Notification No. T. 2873—R. T. 10-37-24, dated 9—11th March 1938, at page 53 Part IV of the *Mysore Gazette*, dated 17th March 1938.

AMENDMENTS.

The following rule shall be added as Rule 9(i) to the Rules regarding permits for Motor Lorries issued with Notification No. P. 3993—Legis. 46-35, dated 18th December 1935, and the existing Rules 9(i), (ii) and (iii) be re-numbered as (ii), (iii) and (iv) respectively. (*Vide* page 126 of the Mysore Motor Manual 1938.)

"9 (i). A private carrier's permit will be given only if the District Magistrate is satisfied as to the solvency and fitness of the person applying for the permit."

The following rule shall be added as rule 52 (i) of the rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th

December 1935, and the existing rule 52 re-numbered as 52 (ii). (*Vide* page 100 of the Mysore Motor Manual 1938.)

"52 (i). A permit to ply a motor cab will be given only if the District Magistrate is satisfied that the person applying for the permit is a fit and proper person and has the capacity to manage the service efficiently."

No. T. 4161—*R. T.* 10-37-48, *dated Bangalore, the 20th June* 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, he Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft in the said behalf having already been published with Notification No. T. 2874—R. T. 10-37-25, dated 9/11th March 1938, at page 54, Part IV of the *Mysore Gazette*, dated 17th March 1938.

AMENDMENT.

The following shall be added as Note to para 1 of Rule 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time :—

NOTE.—The registration of a motor vehicle purchased under a hire purchase agreement shall be effected only after the hirer satisfies the registering authority as to his status and financial stability.

No. T. 4171—R. T. 38-37-12, Bangalore, dated 20th June 1938.

Subject.—RECOVERY OF NET TAX.

In exercise of the powers vested in them under section 13 of the Mysore Road Traffic and Taxes Act No. VI of 1935, as amended by Act No. IX of 1936, the Government of His Highness the Maharaja are pleased to

direct that the following rule be inserted as Rule 2c under the Mysore Motor Vehicles Tax Rules, Part I.

"2c.—The Inspector-General of Police in Mysore is authorised to collect, for periods which have expired and where issue of license is not involved, the net amount of tax actually due, that is to say, the tax due for the quarter or half year as the case may be, less the amount to be refunded for the period of non-use according to rules, on Motor Vehicles in respect of which he is competent to sanction refunds."

By Order,

C. SUBRAHMANYA AIYAR,

Ag. *Secretary to Government,*
General Department.

No. D. 9381—*C. S.* 11-36-267, *Bangalore,*
dated 20*th June* 1938.

Corrigenda.

In line 4 of Rule 6-B published in Notification No. D. 8383—C. S. 11-36-258, dated 29th April 1938, appearing in page 88 of Part IV of the *Mysore Gazette*, dated 5th May 1938, insert "Members" between the words "fifteen" and "elected."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

No. G. 9987—*P. H.* 44-37-24, *dated Bangalore, the* 20*th June* 1938.

Under Section 20 of the Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government are pleased to extend to the Mandya Town Municipality the following rules issued with Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 :—

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (*b*).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (*c*).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed

with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (*d*).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (*e*).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved,

that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—(8) Where a sample of milk, separated or skimmed milk, deposits, on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the

purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (*f*).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (*g*).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (*h*).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 25.

BANGALORE, THURSDAY, JUNE 23, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 4081—R. T. 26-37-22, dated Bangalore, the 16th June 1938.

Subject.—*Refund of Taxes.*

In exercise of the powers conferred upon them by sub-section (4) of section (9) of the Mysore Road Traffic and Taxes Act No. VI of 1935 as amended by Act No. IX of 1936, the Government of His Highness the Maharaja are pleased to issue the following amendment to clause (d) of Rule 24 of the Mysore Motor Vehicles Tax Rules, Part I (Page 144 of the Mysore Motor Manual) :—

Amendment.

Rule 24 (d). Delete the words "on tour" at the end of sub-clause (i).

The sub-clause after the said amendment will read as follows :—

"(i) the said person being out of the State."

No. T. 4084—*R. T.* 9-37-31, *dated Bangalore, the* 16*th June* 1938.

In exercise of the powers conferred on them by Sections 13 and 22 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the marginally noted Motor Vehicles belonging to His Highness the Prince of Berar be exempt from taxes and tolls under the said Act and also all tolls due under the Municipal Acts, during the period of His Highness's present stay in Mysore State.

Buick Grey 1937 Model, distinguishing No.			Hyderabad.
Buick Yellow 1936	do	do	do
Plymouth grey 1937	do	do	do
Plymouth 1937	do	do	do
Austin 1937	do	do	do
Chevrolet 1937	do	do	do
Oldsmobile 1937	do	do	do
International Bus			do

No. T. 4141—*R. T.* 10-37-46 *Bangalore, dated the* 20*th June* 1938.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, to Rule 45 (i) and (ii) of the Rules regarding public service motor vehicles as amended from time to time (*vide* page 98 of the Mysore Motor Manual, 1938) is hereby published for the information of persons likely to be affected thereby and any suggestions or objections received on or before the 14th July 1938 will be considered by Government, before issuing the rule finally:—

Draft Amendment.

The following may be substituted for Rule 45 (i) and (ii) of the Rules regarding public service motor vehicles (*vide* page 98 of the Mysore Motor Manual, 1938).

45. (*i*) The proprietor of motor buses should obtain a duly numbered driver's badge from the District Superintendent of Police in respect of each vehicle maintained by him. The proprietor shall supply such badge to the driver of the vehicle in respect of which the badge is issued. The driver shall wear the badge in a conspicuous place on his left breast.

(*ii*) The fee payable for a badge shall be one rupee. If a badge is lost, a new one shall be obtained on payment of a similar fee.

(*iii*) The proprietor shall surrender the badge to the District Superintendent of Police on the permit for the vehicle being suspended or cancelled or becoming time expired. If the badge is not surrendered, the proprietor shall be liable to pay a fee of one rupee to the District Superintendent of Police.

No T. 4151—*R. T.* 10-37-47, *dated Bangalore*, 20*th June* 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act 1928, and Sections 5 and 33 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following amendments to Rule 9(i) of the Rules regarding permits for Motor Lorries and Rule 52 of the Rules regarding Public Service Motor Vehicles (*vide* pages 126 and 100 respectively), the draft in the said behalf having already been published with Notification No. T. 2873—R. T. 10-37-24, dated 9—11th March 1938, at page 53 Part IV of the *Mysore Gazette*, dated 17th March 1938.

AMENDMENTS.

The following rule shall be added as Rule 9(i) to the Rules regarding permits for Motor Lorries issued with Notification No. P. 3993—Legis. 46-35, dated 18th December 1935, and the existing Rules 9(i), (ii) and (iii) be re-numbered as (ii), (iii) and (iv) respectively. (*Vide* page 126 of the Mysore Motor Manual 1938.)

"9 (i). A private carrier's permit will be given only if the District Magistrate is satisfied as to the solvency and fitness of the person applying for the permit."

The following rule shall be added as rule 52 (i) of the rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th

December 1935, and the existing rule 52 re-numbered as 52 (ii). (*Vide* page 100 of the Mysore Motor Manual 1938.)

"52 (i). A permit to ply a motor cab will be given only if the District Magistrate is satisfied that the person applying for the permit is a fit and proper person and has the capacity to manage the service efficiently."

No. T. 4161—*R. T.* 10-37-48, *dated Bangalore, the* 20*th June* 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, he Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft in the said behalf having already been published with Notification No. T. 2874—R. T. 10-37-25, dated 9/11th March 1938, at page 54, Part IV of the *Mysore Gazette*, dated 17th March 1938.

AMENDMENT.

The following shall be added as Note to para 1 of Rule 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time:—

NOTE.—The registration of a motor vehicle purchased under a hire purchase agreement shall be effected only after the hirer satisfies the registering authority as to his status and financial stability.

No. T. 4171—R. T. 38-37-12, Bangalore, dated 20th June 1938.

Subject.—RECOVERY OF NET TAX.

In exercise of the powers vested in them under section 13 of the Mysore Road Traffic and Taxes Act No. VI of 1935, as amended by Act No. IX of 1936, the Government of His Highness the Maharaja are pleased to

direct that the following rule be inserted as Rule 2c under the Mysore Motor Vehicles Tax Rules, Part I.

"2c.—The Inspector-General of Police in Mysore is authorised to collect, for periods which have expired and where issue of license is not involved, the net amount of tax actually due, that is to say, the tax due for the quarter or half year as the case may be, less the amount to be refunded for the period of non-use according to rules, on Motor Vehicles in respect of which he is competent to sanction refunds."

By Order,

C. SUBRAHMANYA AIYAR,

Ag. *Secretary to Government,*
General Department.

No. D. 9381—*C. S.* 11-36-267, *Bangalore, dated* 20*th June* 1938.

Corrigenda.

In line 4 of Rule 6-B published in Notification No. D. 8383—C. S. 11-36-258, dated 29th April 1938, appearing in page 88 of Part IV of the *Mysore Gazette*, dated 5th May 1938, insert "Members" between the words "fifteen" and "elected."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

No. G. 9987—*P. H.* 44-37-24, *dated Bangalore, the* 20*th June* 1938.

Under Section 20 of the Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government are pleased to extend to the Mandya Town Municipality the following rules issued with Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 :—

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (*b*).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (*c*).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed

with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (*d*).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (*e*).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved,

that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—(8) Where a sample of milk, separated or skimmed milk, deposits, on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the

purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (*f*).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (*g*).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (*h*).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 26.

BANGALORE, THURSDAY, JUNE 30, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 4233—R. T. 10-37-50, dated Bangalore, 22nd June 1938.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, to Rule 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time is hereby published for the information of persons likely to be affected thereby and any suggestions or objections in respect of the said draft received on or before the 15th July 1938, will be considered by Government.

DRAFT AMENDMENT.

The following will be substituted for the existing clause (ii) of the proviso to Rule 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time. (*Vide* page 40 of the Mysore Motor Manual).—

(ii) After the holder has ceased to be such a resident or has been resident in the Mysore State for four continuous months.

No. T. 4276—*R. T.* 9-37-33, *dated Bangalore, 24th June* 1938.

The Government of His Highness the Maharaja are pleased to direct that the words "Austin (York Saloon) bearing Mysore registration number MYS 8844" shall be substituted for the words "Fiat 1933 model bearing the Bombay registration number W. 5742" occurring in the last sentence of Notification No. T. 3641—R. T. 9-37-25, dated 6th May 1938, published at page 92, Part IV of the *Mysore Gazette*, dated 12th May 1938.

By Order,
C. SUBRAHMANYA AIYAR,
Ag. *Secretary to Government,*
General Department.

No. D. 9434—*C. S.* 11-36-268, *dated Bangalore, 22nd June* 1938.

In exercise of the powers vested in them under Section 44 (2) (*f*) and (*g*) of the Mysore Co-operative Societies Act VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following rule in the matter of the exclusion of political and religious activities from the co-operative movement:—

Rule 34. "No society may take any action which would involve the society in the discussion or propagation of controversial opinions of a religious or political character and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency."

By Order,
P. H. KRISHNA RAO,
Secretary to Government,
Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 27.

BANGALORE, THURSDAY, JULY 7, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. T. 22—R. T. 1-38-2, dated Bangalore, the 2nd July 1938.

In virtue of the powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the toll-gates noted below be abolished with effect from 1st July 1938.

1. KADUR DISTRICT—
   (1) Hariharapura.
   (2) Kote Danivasa.
   (3) Uppahalli.
   (4) Balehonnur.
   (5) Sakrepatna.
2. TUMKUR DISTRICT—
   (1) Oordigere.
   (2) Kibbanahalli.
   (3) Mayasandra.

By Order,

C. SUBRAHMANYA AIYAR,

Offg. *General Secretary to Government.*

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

Order No. P. 258—*Legis.* 1-38-1, *dated Bangalore*, 12*th July* 1938.

Ordered that the accompanying Act to restrict the transfer of Government Savings Certificates and to provide for the payment of certificates standing in the name of deceased persons, which received the assent of His Highness the Maharaja, on the fourth day of July 1938, be published as Act X of 1938, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Offg. *Secretary to Government,*
General Department.

ACT X OF 1938.

(*Received the assent of His Highness the Maharaja on the fourth day of July 1938.*)

Act to restrict the transfer of Mysore Government Savings Certificates and to provide for the payment of Certificates standing in the name of deceased persons.

Whereas it is expedient to restrict the transfer of Mysore Government Savings Certificates and to provide for the payment of Certificates standing in the name of deceased persons; it is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Government Savings Certificates Act, 1938.
(2) It extends to the whole of Mysore.
(3) It will come into force at once.

Prohibition of transfer of Mysore Government Savings Certificates without the consent of the Treasury Officers.

2. (1) Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary, no transfer of a Mysore Government Savings Certificate shall be valid without the previous consent in writing of the officer in charge of the treasury in whose books it is for the time being registered.

(2) In this connection "transfer" means a transfer *inter vivos* and does not include a transfer by operation of law.

Payment on death of holder of Mysore Government Savings Certificates.

3. (1) If a person dies and is at the time of his death the holder of a Mysore Government Savings Certificate, payment of the sum for the time being due on such Certificate may be made in the manner provided in the Savings Banks Act V of 1873 for the payment of

deposits belonging to the estates of deceased persons, and the provisions of sections 4 to 9 of the said Act shall apply accordingly as if the holder of such Certificate were a depositor in a Government Savings Bank and the sum for the time being due on such Certificate were a deposit in such a Bank:

Provided that the powers conferred by the said provisions on the Secretary of a Government Savings Bank shall be exercisable by the Comptroller:

Provided further that, where in any one case payment is to be made of Certificates issued from more treasuries than one, the said powers shall be exercisable by the Comptroller.

(2) Nothing in sub-section (1) shall be deemed to require any person to accept payment of the amount due on a Mysore Government Savings Certificate before the same has reached maturity.

4. (1) Notwithstanding anything in section 45 of the Indian Contract Act 1872, as in force in Mysore, when a Government Savings Certificate is payable to two or more persons jointly and either or any of them dies, the Certificate shall be payable to the survivor or survivors of those persons and when all the joint holders are dead, it shall be payable to the registered nominee, and in the absence of nomination, to the representative of the last surviving joint holder in accordance with the provisions contained in section 3.

(2) This section shall apply whether such death occurred or occurs before or after this Act comes into force.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any certificate to which sub-section (1) applies.

MIRZA M. ISMAIL,
Dew

Price : 0–0–3.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M—1175

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 28.

BANGALORE, THURSDAY, JULY 14, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 42—R. T. 9-37-35, dated Bangalore, 6th July 1938.

In exercise of the powers conferred on them by Sections 13 and 22 of the Mysore Motor Vehicles Act VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the motor car bearing Hyderabad State No. 5 belonging to His Highness the Prince of Berar be exempt from payment of taxes and tolls under the said Act and also all tolls due under the Municipal Acts, during the period of His Highness's present stay in Mysore State.

By Order,

C. SUBRAHMANYA AIYAR,

Offg. *Secretary to Government,*

General Department.

No. D. 108—*I. & C.* 228-37-3, *dated Bangalore, 7th July* 1938.

In exercise of the powers vested in them under Section 24 of the Mysore Steam Boilers and Prime Movers Act III of 1920, the Government of His Highness the Maharaja of Mysore are pleased to make the following additional Rule to the rules framed under the Act, draft of which was published with Notification No. D. 6799—I. & C. 228-37-2, dated 23rd March 1938, at page 64 of Part IV of the *Mysore Gazette*, dated 31st March 1938.

Rule 27-A. On sufficient cause being shown, it shall be open to the Officer issuing the license to grant a duplicate of the same on payment of the fee of Rs. 2.

No. G. 150—*Ft.* 175-36-22, *dated Bangalore, 7th July* 1938.

In exercise of the powers vested under Sections 37, 71 and 76 of the Mysore Forest Act of 1900, the Government of His Highness the Maharaja of Mysore are pleased to make an additional rule as Rule 3 (a) as noted below, relaxing the rules regarding the transit of fuel and charcoal from inam lands or private holdings issued with Notification No. G. 1568—Ft. 138-33-3, dated the 21st—27th August 1935:—

Rule 3 (a).

"Application for mafi passes for the transit of fuel or charcoal from the holdings of the applicants and required for the applicants' *bona fide* domestic use may be presented to the village Patels also. If the Patel is satisfied that the fuel or charcoal specified in the application is for the applicants' *bona fide* domestic use, then he shall issue a pass to the applicant in the prescribed form under his signature subject to the condition that the quantity of fuel or charcoal that may be permitted to be removed by any applicant shall *not exceed four cart loads* in a month and transmit the application within a week to the concerned Forest Range Officer along with the duplicate pass."

By Order,
M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

No. D. 203—*C.S.* 79-36-13, *dated Bangalore,*
8—11*th July* 1938.

In exercise of the powers vested in them under Section 44 (1) of the Mysore Co-operative Societies' Act, 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to amend as hereunder the third para of Rule 18 of the rules under the Act, in regard to the payment of honorarium to office-bearers of Co-operative Societies :—

"The bonus or honorarium payable to the office-bearers of Co-operative Societies who hold office honorarily shall not ordinarily exceed in the aggregate 15 per cent of the net profits remaining after contribution to the reserve fund subject to a maximum of Rs. 300. The Registrar may, in special circumstances, permit payment, if sanctioned by the General Body, up to Rs. 500 subject to the above limitation of 15 per cent of the net profits. In cases where the bonus calculated on the above basis falls below Rs. 30, the General Body may, subject to the approval of the Registrar, sanction a bonus not exceeding Rs. 30, whether or not such bonus exceeds 15 per cent of the net profits as herein-to-before mentioned. Where no clerical assistance is given to the Secretary, an additional 5 per cent may be allowed notwithstanding the fact that such addition may make the whole bonus exceed Rs. 300."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

Order No. P. 300—*Legis.* 4-38-1, *dated Bangalore,* 14*th July* 1938.

Ordered that the accompanying Act further to amend the Mysore Limitation Act, 1911, which received the assent of His Highness the Maharaja, on the seventh day of July 1938, be published as Act XI of 1938, in the *Mysore Gazette*, for general information.

By Order,

C. SUBRAHMANYA AIYAR,

Offg. *Secretary to Government,*
General Department.

ACT XI OF 1938.

(*Received the assent of His Highness the Maharaja on the Seventh day of July 1938.*)

An Act further to amend the Mysore Limitation Act, 1911.

Where as it is expedient further to amend the Mysore Limitation Act, 1911; it is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Limitation (Amendment) Act, 1938. Short title and commencement.

(2) It shall come into force on the first day of October 1938.

2. In section 5 of the Mysore Limitation Act, 1911 (hereinafter referred to as the said Act), for the words "by any enactment or rule" the words "by or under any enactment" shall be substituted. Amendment of section 5.

3. In section 10 of the said Act, the following paragraph shall be inserted, namely:— Amendment of section 10.

"For the purposes of this section any property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment shall be deemed to be property

vested in trust for a specific purpose and the manager of any such property shall be deemed to be the trustee thereof."

Amendment of section 29.

4. For section 29 of the said Act, the following shall be substituted, namely :—

"29 (1) Nothing in this Act shall affect section 25 of the Indian Contract Act, 1872, as in force in Mysore ;

(2) where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefor by the First Schedule, the provisions of section 3 shall apply, as if such period were prescribed therefor in that schedule, and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, and

(*a*) the provisions contained in section 4, sections 9 to 18, and section 22 shall apply only in so far as and to the extent to which, they are not expressly excluded by such special or local law ; and

(*b*) the remaining provisions of this Act shall not apply."

Amendment of articles 48-A and 48-B

5. In the First Division of the First Schedule to the said Act, after article 48, the following articles shall be inserted, namely :—

48-A.	To recover movable property conveyed or bequeathed in trust, deposited or pawned and afterwards bought from the trustee, depository or pawnee for a valuable consideration.	Three years	When the sale becomes known to the plaintiff.
48-B.	To set aside sale of movable property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment, made by a manager thereof for a valuable consideration.	Three years	When the sale becomes known to the plaintiff.

Amendment of article 132.

6. To article 132 in the First Division of the First Schedule to the said Act, the following explanation shall be added, namely :—

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"*Explanation.*—Advances secured by mortgage by deposit of title deeds shall, for the purposes of this article be deemed to be money charged upon immovable property."

7. In the First Division of the First Schedule to the said Act :— Amendment of first Schedule.

(*a*) Article 133 shall be omitted.

(*b*) In article 134, in the third column, for the words "the date of the transfer" the words "when the transfer becomes known to the plaintiff" shall be substituted; and

(*c*) After article 134, the following articles shall be inserted, namely :—

134-A.	To set aside a transfer of immovable property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment made by a manager thereof for a valuable consideration.	Twelve years	When the transfer becomes known to the plaintiff.
134-B.	By the manager of a Hindu, Mahomedan or Buddhist religious or charitable endowment, to recover possession of immovable property comprised in the endowment which has been transferred by a previous manager for a valuable consideration.	Twelve years	The death, resignation or removal of the transfer or
134-C.	By the manager of a Hindu, Mahomedan or Buddhist religious or charitable endowment to recover possession of movable property comprised in the endowment which has been sold by a previous manager for a valuable consideration.	Twelve years	The death, resignation or removal of the seller.

8. In the Third Division of the First Schedule to the said Act, in article 158 in the third column, for the words "when the award is submitted to the Court," the words "when the award is filed in Court and notice of the filing has been given to the parties" shall be substituted. Amendment of article 158.

9. In the Third Division of the First Schedule to the said Act in article 166 in the first column, the words "or fraud" shall be inserted after the word "irregularity." Amendment of article 166.

Amendment of articles 176, 177 and 178.

10. In the Third Division of the First Schedule of the said Act, (a) in articles 176 and 177 in the second column for the word "ditto" appearing against each article the words "Ninety days" shall be substituted; and (*b*) in article 178 in the second column for the word "ditto" the words "six months" shall be substituted.

MIRZA M. ISMAIL,
Dewan.

Price: 0-0-6.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 29.

BANGALORE, THURSDAY, JULY 21, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

Order No. P. 258—Legis. 1-38-1, dated Bangalore, 12th July 1938.

Ordered that the accompanying Act to restrict the transfer of Government Savings Certificates and to provide for the payment of certificates standing in the name of deceased persons, which received the assent of His Highness the Maharaja, on the fourth day of July 1938, be published as Act X of 1938, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Offg. *Secretary to Government,*
General Department.

ACT X OF 1938.

(Received the assent of His Highness the Maharaja on the fourth day of July 1938.)

Act to restrict the transfer of Mysore Government Savings Certificates and to provide for the payment of Certificates standing in the name of deceased persons.

Whereas it is expedient to restrict the transfer of Mysore Government Savings Certificates and to provide for the payment of Certificates standing in the name of deceased persons; it is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Government Savings Certificates Act, 1938.

(2) It extends to the whole of Mysore.

(3) It will come into force at once.

Prohibition of transfer of Mysore Government Savings Certificates without the consent of the Treasury Officers.

2. (1) Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary, no transfer of a Mysore Government Savings Certificate shall be valid without the previous consent in writing of the officer in charge of the treasury in whose books it is for the time being registered.

(2) In this connection "transfer" means a transfer *inter vivos* and does not include a transfer by operation of law.

Payment on death of holder of Mysore Government Savings Certificates.

3. (1) If a person dies and is at the time of his death the holder of a Mysore Government Savings Certificate, payment of the sum for the time being due on such Certificate may be made in the manner provided in the Savings Banks Act V of 1873 for the payment of deposits belonging to the estates of deceased persons, and the provisions of sections 4 to 9 of the said Act shall apply accordingly as if the holder of such Certificate were a depositor in a Government Savings Bank and the sum for the time being due on such Certificate were a deposit in such a Bank:

Provided that the powers conferred by the said provisions on the Secretary of a Government Savings Bank shall be exercisable by the Comptroller:

Provided further that, where in any one case payment is to be made of Certificates issued from more treasuries than one, the said powers shall be exercisable by the Comptroller.

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(2) Nothing in sub-section (1) shall be deemed to require any person to accept payment of the amount due on a Mysore Government Savings Certificate before the same has reached maturity.

4. (1) Notwithstanding anything in section 45 of the Indian Contract Act 1872, as in force in Mysore, when a Government Savings Certificate is payable to two or more persons jointly and either or any of them dies, the Certificate shall be payable to the survivor or survivors of those persons and when all the joint holders are dead, it shall be payable to the registered nominee, and in the absence of nomination, to the representative of the last surviving joint holder in accordance with the provisions contained in section 3.

(2) This section shall apply whether such death occurred or occurs before or after this Act comes into force.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any certificate to which sub-section (1) applies.

MIRZA M. ISMAIL,
Dewan.

Order No. T. 97—R.T. 9-37-37, dated Bangalore, the 14th July 1938.

In exercise of the powers conferred on them by section 13 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the levy of the reduced rate of service tax of Rs. 3-12-0 per seat per quarter, on motor buses of Mysore City Bus Service, granted under Notification No. T. 2351—R.T. 9-36-13, dated 7th June 1937 till the 30th June 1938, be extended till the 30th June 1939.

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No. T. 103—*R. T.* 10-37-37, *dated Bangalore, the* 15*th July* 1938.

The following draft proviso which the Government propose to make in virtue of the powers vested in them under section 11 of the Mysore Motor Vehicles Act 1928 is hereby published for information of persons likely to be affected thereby and any suggestions or objections received on or before the 10th August 1938, in respect of the said draft will be considered by Government before issuing the rule finally :—

Draft Proviso.

The following will be added as proviso to Rule 1-A of the Mysore Motor Vehicles Rules 1924, as amended from time to time :—

Proviso.—Provided that the registration shall be made in the name of not more than a single person whether in his own behalf or as a partner of a partnership business or in the name of a company registered according to the provisions of law.

No. T. 196—*R. T.* 10-37-49, *dated Bangalore,* 19*th July* 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 12-A of the Mysore Motor Vehicles Rules, 1924, as amended from time to time (*vide* page 48 of the Mysore Motor Manual, 1938), the draft amendment in the said behalf having already been published with Notification No. T. 3676—R. T. 10-37-38, dated 9th May 1938 at page 92, Part IV of the *Mysore Gazette*, dated 12th May 1938.

AMENDMENT.

The following shall be substituted for Rule 12-A of the Mysore Motor Vehicles Rules, 1924 :—

"Whenever the structure of a motor vehicle once registered is so altered as to increase or decrease the weight of the vehicle or alter

its carrying capacity, the registered owner or person in possession or having control of the vehicle, shall surrender the original certificate of registration to the Registering Authority and obtain a fresh number and certificate of registration for the vehicle on payment of the fee prescribed in Rule 4 of the Motor Vehicles Rules.

Note.—A Vehicle is said to be altered, among other things, when the engine or chassis is changed.

The Registering Authority shall, if he is satisfied that the owner or person in possession of or having the control of the vehicle has been delaying the registration of the vehicle under the above clause, without assigning sufficient reasons for the delay, suspend the original registration of the vehicle until the vehicle is re-registered."

By Order,

C. SUBRAHMANYA AIYAR,
Offg. *Secretary to Government,*
General Department.

No. G. 390—*P. H.* 44-37-27, *dated Bangalore, the* 14*th July* 1938.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government are pleased to extend to the Magadi Town Municipality the following rules issued with Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 :—

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (*b*).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (*c*).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (*d*).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (*e*).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—(8) Where a sample of milk, separated or skimmed milk, deposits, on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be

presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (*f*).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (*g*).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The

label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (*h*).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin," which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175.

605.

The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 32.

BANGALORE, THURSDAY, AUGUST 11, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. D. 936—*C. S.* 14-38-4, *dated Bangalore, 4th August* 1938.

In exercise of the powers vested in them under Section 44 (2) (g) of the Mysore Co-operative Societies Act of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft rule prohibiting a person from serving on the Committee of Management of more than one Co-operative Society of the same type.

Any suggestions or objections, etc., to the proposed rule may be forwarded to the Secretary to Government, Local Self-Government Department, within two months from the date of publication of the Notification in the *Mysore Gazette* after which the draft rule will be taken up for consideration.

Any suggestions received after the due date will not receive consideration.

6. (*d*) "No person shall serve simultaneously on the Committee of Management of more than one society of the same type without the special or general sanction of the Registrar."

N.B.—The decision of the Registrar as to whether two or more societies are of the same type or not shall be final.

No. D. 992—*C. S.* 14-38-5, *dated Bangalore, 6th August* 1938.

In exercise of the powers vested in them under Section 44 (2) (h) of the Mysore Co-operative Societies Act of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the draft of the revised rule 13 making it compulsory for the Societies to print the Auditor's Report and the Notes of inspection by the Registrar, along with the annual report.

Any suggestions or objections to the proposed draft rule may be forwarded to the Secretary to Government, Local Self-Government Department, within two months from the date of publication of the draft rule in the *Mysore Gazette*, after which the draft rule will be taken up for consideration.

Any suggestions received after the due date will not receive consideration.

Rule.

"13. On or before a date to be fixed in the bye-laws, which shall not be less than 15 days before the date fixed for the annual general meeting, the Committee shall publish an annual balance sheet showing the assets and the liabilities of the society, a profit and loss account and a statement of receipts and payments. The balance sheet, the profit and loss account and the statement of receipts and payments, the Auditor's Report and the Committee's replies to the observations of the Auditor and notes of inspection, if any, of the society by the Registrar or of his Assistants, shall be open to the inspection of any member during office hours at the office of the society, and copies thereof shall be sent to all the members of the society along with annual report. The Registrar shall have power to exempt any societies or class of societies from the operation of this rule to such extent as he may deem fit."

No. D. 994—C. S. 14-38-6, dated, Bangalore, 6th August 1938.

In exercise of the powers vested in them under Section 44 (1) of the Mysore Co-operative Societies Act of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore hereby publish for general information the following draft rule prohibiting the treating of accrued interest due but unrealised, as profits by Co-operative Societies.

Any suggestions or objections to the proposed rule may be forwarded to the Secretary to Government, Local Self-Government Department, within two months from the date of publication of the draft rule in the *Mysore Gazette*, after which the draft rule will be taken up for consideration.

Any suggestions received after the due date will not receive consideration.

Rule.

35. "In calculating the profits of a society for the year, for the purpose of declaring a dividend or bonus, all interest accrued due but not actually realised shall be deducted from the gross profits of the year, before the net profits are arrived at. All accrued interest that has been so deducted from the profits of the year and is actually recovered during the subsequent year, may be added to the profits of the subsequent year. The Registrar may in special cases and after due enquiry, permit or authorise a society to treat interest accrued due for a period not exceeding one year as profits but if the amount so permitted to be treated as profits is not actually recovered during the subsequent year, it shall be deducted from the profits of such subsequent year before the net profits of that year are arrived at."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 36.

BANGALORE, THURSDAY, SEPTEMBER 8, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 1300—*Pol.* 21-38-4, *dated Bangalore, 3rd September* 1938.

In exercise of the powers conferred by Sections 4 and 12 of the Mysore Arms Act VI of 1890, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following further amendment shall be made in the Mysore Arms Rules, 1926, namely:—

In rule 4 (*a*) of the said rules add "and Chlorates" after the words "analogus liquids, materials or devices."

In rule 4 (*b*) of the said rules add after "devices", "and Chlorates."

In rule 5 (2) add the following as sub-clause (*c*).

"(*c*) To chlorates transported for *bona-fide* industrial, agricultural and medicinal purposes."

In Schedule II of the said rules add the following as clause (4) :—

"(4) Chlorates possessed or sold by *bona-fide* medical practitioners and dispensing chemists in accordance with such conditions as may be prescribed by the Government."	Prohibition and Directions. Those contained in Sections 5 and 9.

By Order,
B. T. KESAVIENGAR,
Chief Secretary to Government.

No. T. 708—R. T. 10-37-57, dated Bangalore, 1st September 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act 1928, the Government of His Highness the Maharaja are pleased to issue the following proviso to Rule 1-A of the Mysore Motor Vehicles Rules 1924, as amended from time to time, the draft proviso having been published with Government Notification No. T. 103—R. T. 10-37-37, dated 15th July 1938 at page 146, Part IV of the *Mysore Gazette*, dated 21st July 1938.

Proviso.

The following shall be added as proviso to Rule 1-A of the Mysore Motor Vehicles Rules 1924, as amended from time to time :—

Proviso.—Provided that the registration shall be made in the name of not more than a single person whether in his own behalf or as a partner of a partnership business or in the name of a company registered according to the provisions of law.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 42.

BANGALORE, THURSDAY, OCTOBER 27, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1113—R. T. 6-38-3, dated Bangalore, the 18th October 1938.

In exercise of the powers conferred on them by Section 22 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to exempt from payment of tolls at the Nandi Hill Toll-gate, the Motor Cars belonging to the following officers while travelling on duty within their jurisdiction :—

(1) The Superintendent,
Government Gardens in Mysore, Bangalore.

(2) The Officers and Subordinates of the Electrical Department below the rank and status of the Superintendents of the Department.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No. Fl. 2370—*Ex.* 61-37, *dated* 25*th October* 1938.

In exercise of the powers conferred by clause (i) of Sub-section (2) and Sub-section (3) of Section 17 of the Matches (Excise Duty) Act 1934 (III of 1934), the Government of His Highness the Maharaja of Mysore are pleased to make the following rules, namely :—

I. Any officer duly empowered under Clause 32 of Matches (Excise Duty) Act 1934, to search any place, vessel, cart or means of conveyance for matches liable to duty, may—

(i) enter and search at any time by day or by night any land, building, enclosed place, premises, vessel, conveyance or other place upon or in which he has reason to believe that matches, splints or veneers are manufactured, stored or carried ; and

(ii) in case of resistance break open any door and remove any other obstacle to his entry upon or into and search of such land, building, enclosed place, premises, vessel, conveyance or other place.

II. Every search under these rules shall be carried out so far as may be in accordance with the provisions of Section 103 of the Code of Criminal Procedure, 1898 (Act V of 1898).

III. (i) Any such officer may require any person who has the immediate possession, control or use of any land, building, enclosed place, premises, vessel, conveyance or other place which he desires to search under these rules, or of any matches, splints or veneers manufactured, stored or carried or believed by him to be manufactured, stored or carried thereupon or therein, to open or allow access to, inspect or examine such place or conveyance or to open, unload, unpack or allow the inspection or examination of such articles.

(ii) If the said person fails to comply with any such requirement, such officer may cause anything to be done which he may deem necessary in order to exercise his powers under these rules in a proper manner, and the cost incurred in this behalf, unless paid to such officer, shall be recoverable from the said person as an arrear of land revenue.

IV. Whoever fails to comply with any lawful requirement of an officer made under these rules shall, on conviction, be punishable with imprisonment for any term not exceeding six months or with fine not exceeding one thousand rupees, or with both.

No. Fl. 2371—*Ex.* 61-37, *dated 25th October* 1938.

In exercise of the powers conferred by section 17 of the Matches (Excise Duty) Act, 1934 (III of 1934), the Government of His Highness the Maharaja of Mysore are pleased to make certain rules for the purpose of regulating the issue of matches out of the premises of a manufactory situated in the State of Mysore.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

CHAPTER I.

1. *Short title, commencement and definitions.*—(1) These rules may be called "The Mysore Matches (Excise Duty) Supplementary Rules, 1938."

(2) They shall come into force on the first day of the month following the month in which these rules are published.

2. In these rules unless there is anything repugnant in the subject or context—

(i) "the Act" means the Matches (Excise Duty) Act, 1934 (III of 1934);

(ii) "the Rules" means the Matches (Excise Duty) Rules, 1934;

(iii) "Deputy Commissioner" means the Chief Officer in charge of the Revenue Administration of a district and includes any officer specially authorized to exercise throughout any specified area all or any of the powers of a Deputy Commissioner under these rules.

(iv) "Inspector" means the Inspector of the Excise Department in charge of a Range in which the manufactory is situated;

(v) "Supervising Officer" means an officer appointed by the Deputy Commissioner to exercise the powers and perform the duties of Supervising Officer under these rules;

(vi) "Peon" means a subordinate of the Mysore Excise Department appointed to guard the premises and to prevent the removal of splints, veneers, matches and banderols contrary to these rules;

(vii) "Form" means a form set out in the schedule appended to these rules;

Provided that "Form A" and "Form B" shall mean Form A and Form B appended to these rules;

(viii) "Bonded warehouse" means a compartment or room of the manufactory or a separate place where finished matches are stored pending their removal for consumption subject to the payment of duty under clause 8 of Chapter II or clause 39 or clause 44 of Chapter VI of the rules;

(ix) "Booklet" means a folding or collapsible packet in the form of a book containing matches;

(x) "Case" means a packed box containing a number of gross packets of boxes or booklets containing matches;

(xi) "Duty" means the duty payable under the Act;

(xii) "License" means a license in Form A granted for the manufacture of matches under clause 3 of the rules;

(xiii) "Licensee" means any person, firm or company, holding a license in Form A and includes any agent or other person acting on his or its behalf;

(xiv) "Manufacturing or finishing room" means a room or rooms or a compartment or compartments set apart in the manufactory where matches in the finishing or finished stage, before banderols are affixed to them, are stored during the absence of the Supervising Officer or at such other times as may be necessary to prevent the illicit removal of matches from the manufactory;

(xv) "Manufactory" means a manufactory as defined in the Act, working under a license in Form A appended to the rules and under bonded control and

subject to the supervision of the Mysore Excise Department.

(xvi) "Packet" means a packed or wrapped parcel containing a number of gross of boxes or booklets with matches;

(xvii) "Premises" means the premises of the manufactory described in the schedule attached to the license in Form A appended to the rules and includes the bonded warehouse.

CHAPTER II.

3. (1) *Issue of license and licensed premises.*—An owner of a manufactory who intends to apply for or has obtained a license under section 9 of the Act shall apply to the Deputy Commissioner for the appointment of a bonded warehouse or warehouses wherein the matches manufactured on the licensed premises shall be stored for issue.

(2) The Deputy Commissioner shall on receipt of such application cause enquiries to be made regarding the suitability or otherwise of a godown or other premises for use as a bonded warehouse and on being satisfied that it is suitable, appoint such godown or other premises, as the case may be, as a bonded warehouse.

4. The dipping room where dipped splints in frames are allowed to dry, if this process is not conducted in the manufactory or finishing room, and the place set aside as a bonded warehouse, shall be approved by the Deputy Commissioner before they are used as such. The dipping room as well as the bonded warehouse shall be secured with a strong Government lock, the key of which shall be in the custody of the Surpervising Officer and the rooms shall be opened as and when required for transactions. These rooms may also be secured by locks of the licensee provided that he shall remove the locks and open the rooms as and when required by the Supervising Officer or any other Inspecting Officer, at any time during day or night.

5. Every manufactory and the bonded warehouse attached to it shall be closed on 'close holidays' and shall be open on other days, only during such hours and under such conditions as may be fixed by the Deputy

Commissioner. It will however be open to the Deputy Commissioner to permit work or transactions in the manufactory or bonded warehouse outside the regular working hours of the factory or on close holidays, subject to the payment of overtime fees at such rates as may be fixed by the Deputy Commissioner, by special or general order or rule made under any provision contained in these rules.

Explanation.—"Close holidays" means Sundays, New Year's day, Good Friday, the King Emperor's Birthday, His Highness the Maharaja's Birthday and Christmas Day.

6. Subject to the conditions in clauses 4 and 5, the lock on the bonded warehouse shall be removed only for receipts and issues, inspection by an inspecting officer, and for any other purposes which may be permitted by the Deputy Commissioner. The lock shall be put on immediately after the purpose for which the warehouse was opened, is accomplished.

7. The entrance to every manufactory or finishing room shall be secured with a strong Government lock when there are no transactions, if so required by the Deputy Commissioner and not otherwise; and if the licensee so desires, the entrance may also be secured with his lock. The key of the Government lock shall be in the custody of the Supervising Officer. The licensee shall remove his lock as and when required by the Supervising Officer.

CHAPTER III.

8. *Banderols.*—All the banderols supplied by the Treasury Officer, whether for cash or on credit, shall be delivered to the licensee or his agent, sealed with the Treasury seal and the licensee or his agent shall take delivery of the banderols and hand them over to the Supervising Officer who shall deposit them in the bonded warehouse or a room specially set apart for the storage of banderols, and enter the receipt in Form M. E. 1. The licensee or his agent may obtain banderols from the Supervising Officer as and when they are required, during the working hours of the manufactory.

9. (1) When the licensee desires to purchase banderols for cash, he shall present to the Treasury Officer an

indent in Form M. E. 7 countersigned by the Supervising Officer, and a challan in triplicate, containing particulars of the number and class of banderols required and the cost price of the number of each class, less rebate if any, allowed on a rebate certificate. The Treasury Officer after complying with the indent shall retain the original of the challan with him, hand over the duplicate to the licensee, and send the triplicate to the Supervising Officer who shall file it in support of the entry of receipt in the M. E. 1. register, after sending copies to the Inspector and Deputy Commissioner.

(2) When the licensee desires to purchase banderols on credit subject to the condition in clause 10 he shall present a requisition in Form M. E. 8 to the Supervising Officer who, after scrutinising the requirements in detail, with reference to the security furnished as required by clause 10 and the balance of credit outstanding against him, shall pass the indent for supply to such extent as may be permissible under clause 11 and give it to the licensee who shall present it to the Treasury Officer. The Treasury Officer shall after complying with the requisition, whether in whole or in part, advise the Supervising Officer as to the number and class of banderols issued and the cost price to be recovered from the licensee. The Supervising Officer shall file the advice in token of entry of receipt of the banderols in the M. E. 1. register, after sending copies to the Inspector and Deputy Commissioner.

10. A licensee who desires to obtain banderols on credit under clause 46 of the rules shall execute a trust receipt and furnish to the Deputy Commissioner a security bond in such form as may be prescribed by the Deputy Commissioner for adoption, either generally or in the particular case, to the satisfaction of the Deputy Commissioner.

Provided that if the licensee is unable to furnish sureties to the satisfaction of the Deputy Commissioner he shall deposit with the Deputy Commissioner cash, Government Promissory Notes, Savings Bank Deposit endorsed to the Deputy Commissioner or Post Office Cash Certificates of sufficient value, or mortgage to Government the match factory and plant and all accessories therein, to cover the value of the banderols to be supplied on credit from time to time. If the estimated value of the manufactory with its plant and all its accessories is not sufficient

to cover the value of the banderols required on credit, the licensee shall, in addition to the mortgage of the manufactory and its plant and accessories, furnish sureties or security as aforesaid, for such amount as may be fixed by the Deputy Commissioner. In the case of deposit of Government Promissory Notes, the face value thereof shall exceed, by not less than 10 per cent, the value of banderols to be supplied from time to time.

11. The Deputy Commissioner shall, after the conditions in clause 10 have been complied with, authorize the sale of banderols on credit to the licensee and communicate to the Treasury Officer and the Supervising Officer full particulars of the securities deposited, and the extent of credit granted. The cost of banderols sold on credit excluding the cost of banderols affixed to boxes kept in the bonded warehouse shall not at any time exceed the amount of security furnished by him. The number of banderols to be supplied at a time shall not exceed the average output of the manufactory for one week if the licensee applies for banderols once a week or for three days if he applies twice a week and for two daysi f he applies three times a week. The supply of banderols on credit shall not be made oftener than three times a week.

12. The Treasury Officer shall for the first time when banderols are issued on credit, advise the Supervising Officer of the number and class of banderols issued on credit, and their cost price, and thereafter the Treasury Office shall advise the Supervising Officer from time to time, of the amounts paid by the licensee towards the cost of the banderols, and the number and class of banderols issued on credit and their cost price.

13. (1) The licensee shall submit to the Inspector through the Supervising Officer on or before the 5th day of each month a statement, for the preceding month showing—

(*i*) the number of banderols in hand on the first day of the month;

(*ii*) the number received during the month;

(*iii*) the number used during the month;

(*iv*) the number rendered unserviceable, and

(*v*) the balance on hand on the last day of the month.

The Inspector shall forward the statements to the Deputy Commissioner after taking necessary extracts.

(2) Separate statements shall be submitted for banderols purchased for cash and for those purchased on credit.

14. Banderols purchased for cash and those purchased on credit shall be kept in separate lots in the bonded warehouse or any other room set apart for the purpose, which shall be secured by a strong Government lock, the key of which shall be in the custody of the Supervising Officer. The packets containing banderols purchased on credit shall be marked by the Supervising Officer in red with the letters "Credit." The banderols shall be accounted for separately in the M. E. 1 register both by the Supervising Officer and by the licensee.

15. The licensee shall deliver to the custody of the Supervising Officer from day to day, such of the banderols as have become unserviceable before they have been affixed to boxes or booklets. The Supervising Officer shall make immediate enquiries into the matter and on being satisfied that the banderols in question have not been used previously on a box or booklet which has been issued from any manufactory and that the figure '1', '2', '4', '6' or '8' occurring in the figures '12', '20', '40', '60', or '80' printed on the banderols to indicate the class thereof, has not been damaged or torn, take them over from the licensee, deposit them in the bonded warehouse or room set apart for the storage of banderols and make a note of the receipt of such banderols in the remarks column of the M. E. 1 register against the date. If the figure '1', '2', '4', '6' or '8' aforesaid is defaced or torn, the Supervising Officer shall not accept delivery of the banderols and the licensee shall be liable to pay the full price thereof.

16. Banderols, whether purchased for cash or on credit, which have become unserviceable before being affixed to boxes or booklets, shall be produced once a month, together with a certificate of the Supervising Officer that they have not been previously used, before the Inspector who after examining the banderols, shall forward the refund application to the (1) Deputy Commissioner with his remarks. The (2) Deputy Commissioner will after further scrutiny pass orders on the application of the licensee, for the refund of the cost price of the banderols produced. Similarly, an application for the refund of the cost price of banderols on boxes of matches

which have been destroyed as unserviceable within the factory under the orders of the (3) Deputy Commissioner shall be supported by a certificate of the Supervising Officer that the matches have been destroyed. If the (4) Deputy Commissioner sanctions the refund, the licensee may produce the refund voucher at the Treasury aud receive payment or allow the amount to be set off against the cost of banderols purchased by him.

In the case of banderols purchased on credit the refund of the cost price shall be sanctioned only after the cost of the banderols used in the month has been remitted into the Treasury.

CHAPTER IV.

17. *Transfer of matches from the finishing room of the manufactory to the bonded warehouse.*—The packing of matches into boxes or booklets and the affixture of banderols thereto, shall be done only during such hours and under such conditions as may be fixed by the Deputy Commissioner under clause 5. The packing of boxes or booklets into packets and of packets into cases shall be done only in the finishing room and in the presence of the Supervising Officer, after the boxes or booklets have been banderolled in accordance with the Act and the rules.

18. The Supervising Officer shall see that the banderols are properly affixed to boxes or booklets so that they cannot be opened without tearing the banderols, and check the contents of each case, package or packet and the number of matches contained in at least one box in every 10 gross of boxes before they are banderolled

19. No packet or case containing boxef or booklets of matches shall be closed and reckoned as a unit except when a banderol of the appropriate class has been affixed to each box or booxlet in the manner laid down in Chapter VI of the rules and in aceordance with the Government Notification No. D. 1393-I & C 265-33-33, dated 25th August 1934.

20. After each case, or packet is closed, the Supervising Officer shall endorse or impress thereon with a rubber stamp the word 'checked' and sign and date the same to obviate the necessity of the case, or packet being re-opened and examined in the bonded warehouse.

21. Each case, or packet shall contain only an integral number (whether one or more than one) of gross boxes or booklets of matches. The boxes or booklets in each case or packet shall contain the same number of matches on the average and shall, except in the case of matches exempted from being issued in boxes or booklets bearing banderols have affixed thereto banderols of the same class.

22. Cases, or packets of each class of matches shall bear separate consecutive numbers and shall specify the number of gross boxes in each.

Cases, or packets containing boxes or booklets of classes 1, 2, 3, 4 or 5 as specified in clause 40 (2) of the rules shall be distinguished by the letters 'A', 'B,' 'C', 'D' and 'E', respectively.

23. All boxes or booklets containing matches intended for export and on which no banderols have been affixed, and all loose matches to be exported, shall, before they are removed to the bonded warehouse, be packed into cases, or packets on which shall be pasted labels bearing the inscription "UNBANDEROLLED MATCHES FOR EXPORT."

24. No case, packet, box or booklet, containing matches and no loose matches shall be removed to the bonded warehouse except with the permission of the Supervising Officer. Before removal to the bonded warehouse, the licensee shall present an application in Form M. E. 3-A in duplicate to the Supervising Officer. Every such application shall be numbered consecutively. When a case, packet, box or booklet, or any loose matches are removed to the bonded warehouse, the Supervising Officer and the licensee shall each enter the quantity of matches removed in the register in Form M. E. 2.

25. *Storage into the bonded warehouse.*—On the arrival of any cases, packets, boxes or booklets containing matches, at the bonded warehouse the Supervising Officer shall, after verifying the particulars mentioned in the application, make the necessary entries in Form M. E. 4. In one of the copies of the application in Form M. E. 3-A, he shall endorse the word 'Received,' sign and date the endorsement and deliver it to the licensee; in the duplicate copy, he shall endorse the words 'Taken into account,' sign and date the endorsement and file it. The licensee

shall make similar entries in the register in Form M. E. 4 to be maintained by him.

26. In case of doubt as to the affixture of banderols to boxes or booklets containing matches, or the number of matches contained in a box or booklet, or the number of boxes or booklets contained in a gross, or the number of gross boxes or booklets in a case, or packet, the Supervising Officer shall require the licensee to open the case, packet, box or booklet, and examine it in the presence of the licensee or any authorized agent or servant acting on his behalf. If the Supervising Officer finds any discrepancy between the actual contents of a case, packet, box or booklet and the details as entered in the application, he shall seal the case, packet, box or booklet with his private seal, retain the case, packet, box or booklet in the bonded warehouse and submit a report on the matter to the Inspector. The Inspector after due investigation, shall take such action as may be necessary under the Act or the rules.

27. Separate compartments or separate divisions in the same compartment shall be allotted in the bonded warehouse for—

(1) cases, or packets containing boxes or booklets of matches on which banderols purchased for cash have been affixed;

(2) cases, or packets containing boxes or booklets of maches on which banderols purchased on credit have been affixed; and

(3) cases, or packets of unbanderolled matches intended for export.

The cases, or packets containing boxes or booklets of matches of each class shall be stored separately, and cases or packets of different sizes shall be stocked according to the average number of gross boxes or booklets in each, so as to facilitate inspection and check at, and issue from, the bonded warehouse.

28. The removal of matches from the bonded warehouse to the manufactory or finishing room for reconditioning shall be under bond and under the supervision of the Supervising Officer provided that the licensee shall not claim a refund of the cost of banderols affixed to the boxes or booklets which must necessarily be destroyed in opening the boxes or booklets. When matches are removed from the bonded warehouse to be reconditioned, the quantity removed shall be entered as an issue in the

appropriate column of the M.E. 4 register with the remark that the matches have been issued to be reconditioned.

CHAPTER V.

29. *Issue of matches from the bonded warehouse.*—No matches shall be issued out of the bonded warehouse except in accordance with the provisions of these rules or otherwise than under a permit issued by the Supervising Officer.

30. *Banderolled matches.*—Every application for a permit under clause 32 shall be in Form M. E. 3-B, in duplicate and shall be presented to the Supervising Officer at least one hour before the time fixed for the removal of the matches. Every such application shall be accompanied by a treasury receipt for the value of the banderols purchased.

31. (1) When the treasury receipt produced shows payment for a greater number of banderols than that required for the boxes or booklets of matches contained in the cases, or packets removed, the Supervising Officer shall endorse on the obverse of the Treasury receipt—

(*a*) the serial number of the cases, and packets removed, and the date of their removal;

(*b*) the average number of matches contained in each box or booklet; and

(*c*) the number and class of banderols used for the matches removed.

The Supervising Officer shall make a similar endorsement on the Treasury receipt from time to time until all the banderols paid for under the Treasury receipt have been affixed to boxes or booklets of matches contained in the cases, or packets and such cases, or packets have been removed from the bonded warehouse.

(2) The Treasury receipt shall be despatched to the Deputy Commissioner through the Inspector with a copy of the application in Form M.E. 3-B and the permit delivered at the gate on the date of issue, provided that when the banderols used for the matches removed are less than the number of banderols for which a Treasury receipt has been obtained, the receipt need not be despatched to the Deputy Commissioner but an intimation in Form

M. E. 6 shall be sent to him of the quantity of matches actually removed and the number and date of the Treasury receipt in which the banderols have been paid for.

32. (1) On receipt of an application in Form M.E. 3-B referred to in clause 30 the Supervising Officer shall issue a permit in Form M.E. 5.

(2) The permit in Form M. E. 5 shall be in triplicate, the original shall be retained by the Supervising Officer, the duplicate shall accompany the consignment to be delivered to the peon on guard at the gate, and the triplicate shall be delivered to the licensee to be sent with the consignment of matches to the destination.

(3) The peon on guard at the gate shall detain the consignment and after satisfying himself that the number of cases, or packets in the consignment is the same as that entered in the permit, allow it to pass through the gate. He shall return the duplicate copy of the permit to the Supervising Officer, endorsed by him in token of his having checked and passed the consignment If the peon on guard finds that there is any difference between the number of cases or packets of matches in the consignment or the number of packets in each case as marked on it and the number shown in the permit, he shall not allow the consignment to pass through the gate but shall detain it and report the matter to the Supervising Officer who shall thereupon immediately check the consignments, and in the event of his finding any case, or packet, or cases or packets in excess, take such action as is prescribed under the Act or the rules or obtain the orders of the Deputy Commissioner who, if he considers it necessary, shall refer the matter to Government.

33. When an application in Form M. E. 3-B is presented to the Supervising Officer for removal of matches, contained in boxes or booklets on which banderols purchased on credit have been affixed, the licensee shall, if he has paid for the banderols on tne boxes or booklets to be removed, attach the Treasury receipt in token of payment of the cost price of the banderols; and the Supervising Officer shall issue a permit as laid down in clause 32 and deal with the Treasury receipt as indicated in clause 31 according as the boxes or booklets are removed on the same date or on different dates.

If the cost price of the banderols has not been paid for, the Supervising Officer shall, after scrutinizing the

amount of credit outstanding with the licensee, which should be furnished by the Treasury Officer as enjoined by clause 12 and the amount of deposit or security, issue a permit as laid down in clause 32.

In other respects, clauses 29 to 32 shall apply as in the case of removal of matches in boxes or booklets to which banderols purchased for cash have been affixed.

34. *Unbanderolled matches.*—When a licensee desires to export unbanderolled matches from the bonded warehouse to any place outside India, he shall present an application in Form M.E. 3-B to the Supervising Officer.

35. On receipt of the application from the licensee under clause 34, the Supervising Officer shall scrutinize the details furnished by the licensee and issue a permit in Form M.E. 5 in quadruplicate and permit the removal of the consignment from the bonded warehouse. The original permit shall be retained by the Supervising Officer. The duplicate shall be delivered to the peon at the gate as required by sub-clause (2) of clause 32, the triplicate shall accompany the consignment to its destination, and the quadruplicate shall be delivered to the licensee who shall, in the case of export by land, produce it before the officer in charge at the Land Customs Station (Chowkie) or a verifying officer at such other places as may be prescribed by rule or order. The licensee shall obtain an endorsement on the permit from the aforesaid officer that the consignment has passed out of the limits of Mysore and shall return the permit so endorsed to the Supervising Officer within a week. The Supervising Officer shall send the permit to the Deputy Commissioner through the Inspector with the licensee's application for refund of duty from the amount of duty assessed under cluase 8 of the rules.

CHAPTER VI.

Accounts.

36. *Matches.*—The Supervising Officer and the licensee shall each maintain a register in Form M.E. 2 showing daily the quantity of matches produced and the quantity sent into the bonded warehouse. At the end of the month, the totals in the M. E. 2 register shall be transcribed into a register in Form M. E. 2-A. Separate

pages shall be allotted in both the registers for unbanderolled matches intended for export and for matches which have been exempted from being packed into boxes and banderolled. The licensee as well as the Supervising Officer shall also maintain a register in Form M. E. 4 showing the quantity of matches received into, and the quantity issued from the bonded warehouse daily. Separate pages shall be allotted in both the registers for the various classes of boxes specified in clause 40 (2) of the Rules and 'unbanderolled' matches for expert. At the end of the month the totals in the M.E. 4 register shall be transcribed into a register in Form M.E. 4-A, showing the receipts and issues for each month. The M. E. 2 and M. E. 4 registers shall be written up daily. The entries in the registers maintained by the licensee shall be compared daily by the Supervising Officer with the entries in his register and he shall initial the licensee's register in token of check. Should there be any discrepancy between the two registers, the entries in the registers maintained by the licensee shall be reconciled with those in the registers maintained by the Supervising Officer, and if they cannot be reconciled, the matter shall be reported to the Deputy Commissioner through the Inspector for orders.

37. The monthly return in Form B prescribed by clause 7 of these rules shall be submitted to the Deputy Commissioner through the Supervising Officer. The Supervising Officer shall check the entries in the return with an extract of the monthly totals as entered in the M.E. 2-A and M.E. 4-A registers; if he finds that the entries agree, he shall submit the return with the extract of the totals in the M.E. 2-A and M.E. 4-A registers to the Deputy Commissioner through the Inspector with an endorsement to the effect that the return has been checked and found correct. If there is any discrepancy between the return in Form B and the M.E. 2 and M.E. 4 registers the Supervising Officer shall return it to the licensee for reconciliation; if the licensee is unable to reconcile the entries so as to bring them into agreement with those recorded in the M.E. 2-A and M.E. 4-A registers, the Supervising Officer shall report the matter to the Deputy Commissioner for orders.

38. The Supervising Officer shall maintain a daily register in Form M.E. 1 showing the receipts of banderols

purchased for cash from the Treasury and of the issues to the licensee. The licensee shall maintain a daily register in Form M. E. 1-A showing the opening balance of banderols with him, receipts from the Supervising Officer, the number used on the boxes of matches sent to the bonded warehouse, the number damaged and unaccounted for, and the balance with him. On the first day of the following month, he shall submit to the Supervising Officer an extract of the totals in the register in Form M.E. 1-A. The Supervising Officer shall check the accuracy of the statement with the entries in the register in Form M.E. 1 maintained by him, submit the return received from the licensee together with an extract of the totals in the register in Form M.E. 1-A to the Deputy Commissioner through the Inspector. From these returns, the Deputy Commissioner shall check the issues of banderols from the Treasury, the duty collected, the number of banderols rendered unserviceable, the number purchased for cash and the number remaining with the licensee at the end of the month, and trace its disposal in the subsequent months. He shall also check whether the number of banderols on the boxes or booklets of matches issued from the bonded warehouse during a particular period exceeds or not the banderols purchased.

39. In regard to banderols purchased on credit, the Supervising Officer shall maintain a separate account of the banderols received and of those issued to the licensee in Form M. E. 1. Both the Supervising Officer and the licensee shall maintain a daily account in Form M. E. 1-B of the number of banderols received from the Supervising Officer, used, rendered unserviceable and remaining to be accounted for, with the balance of duty to be paid by the licensee, provided that the cost of banderols is paid from time to time on the boxes or booklets of matches as they are removed from the bonded warehouse; but if the licensee is permitted by the Deputy Commissioner to remove matches from the bonded warehouse before payment of the cost of banderols on the boxes or booklets removed, the Supervising Officer and the licensee shall maintain an account in Form M. E. 1-C to show daily the amount to be recovered from the licensee on the banderols issued from the Treasury on credit. At the end of the month, the licensee shall submit an abstract of the totals of the register in Forms M. E. 1-B and M. E.

1-C, if one is maintained, to the Supervising Officer who shall after comparing the entries with those in his register, submit the extracts to the Deputy Commissioner through the Inspector with an extract of the total in Form M.E. 1. In the case of banderols issued on credit, the Supervising Officer shall send daily extracts from the M. E. 1 and M. E. 4 registers to the Treasury Officer to enable the latter to know the number of unused banderols in bond and the number on the boxes in the bonded warehouse. Copies of these extracts should also be sent to the Inspector and the Deputy Commissioner.

40. Separate registers as mentioned in the foregoing clauses shall be maintained and separate returns prepared for—

(*i*) boxes or booklets of banderolled matches, the banderols on which have been paid for in cash;

(*ii*) boxes or booklets of banderolled matches, the banderols on which have been purchased on credit; and

(*iii*) boxes or booklets of unbonderolled matches (*a*) exempted from the affixture of banderols to the boxes or booklets and (*b*) intended for export.

41. The accounts of banderols kept at Treasuries and in the manufactory and bonded warehouse shall be in gross numbers and units. In the case of damaged bonderols, the number damaged and the balance remaining after accounting for them shall be in gross numbers and units.

CHAPTER VII.

42. *General.*—If there are two or more exits from a bonded warehouse or manufactory, matches shall be removed therefrom only through the main gate where a peon shall be posted on guard duty.

43. All the gates in the manufactory shall be locked by the licensee before sunset or if the work in the premises ceases earlier, immediately after the cessation of work, and the licensee shall have the keys in his possession. If the licensee desires access to the premises in cases of emergency, he shall open only the lock on the main gate and he shall relock it when he has finished his business in the premises.

44. No matches shall be removed from the manufactory or bonded warehouse except in accordance with the directions contained in these rules.

If any matches are removed by any employee from a manufactory in contravention of the conditions hereinbefore prescribed, the licensee shall be held responsible for such removal and be liable to be dealt with according to the provisions of the Act, of the rules, and of rules and orders made under the Act or the rules as if he had removed the matches himself.

45. Persons coming into, or going out of, the manufactory or bonded warehouse as well as articles brought thereinto, or sent out therefrom, shall be liable to be searched or examined by the peon on guard at the main gate.

46. The licensee shall if so required by the Deputy Commissioner provide at the main gate of the manufactory a small shed suitable for the accommodation of the peon on guard there.

47. The licensee and his agents and servants shall carry out all orders issued by the Supervising Officer or his assistant in the due performance of his duty under the Act, the rules and the provisions contained in these rules.

48. The licensee and his agents and servants shall comply with all orders issued by the Deputy Commissioner or Inspector for carrying out the provisions contained in these rules and to facilitate their enforcement.

49. The Government may, by a special order, exempt any manufactory or bonded warehouse from the operation of any provision contained in these rules.

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THE SCHEDULE.

FORM M. E.-1.

(*Vide* Clauses 8, 9, 14, 15, 38 and 39).

Register of receipts and issues of Banderols at..... the Manufactory of.....

Date (1)	Opening balance (2)					Received from Treasury (3)					Total (4)					Issued (5)					Balance (6)					Duty on the balance of banderols in stock (7)										(8) Remarks
	Class of banderols					Class of banderols					Class of banderols					Class of banderols					Class of banderols					Class of banderols										
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1		2		3		4		5		
																										Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	
	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Grosses	Grosses	Grosses	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Grosses	Grosses	Grosses	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Singles		

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FORM M. E. 1-A.

(*Vide clause* 38.)

Statement showing the receipts and expenditure by the licensee of banderols purchased for cash.

Date	Opening balance with the licensee (2)					Received from supervising officer (3)					Total (4)					Used on matches manufactured and sent to bonded warehouse (5)					Damaged and handed over to Supervising Officer (6)					Balance with the licensee (7)					Remarks
	Class of Banderols					Class of banderols					Class of banderols					Class of banderols					Class of banderlos					Class of banderols					
(1)	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	(8)
	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Grosses	Grosses	Grosses	Grosses	Singles	Grosses	Singles	Grosses	Singles	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Singles	Grosses	Singles	Grosses	Column (5) must agree with column (21) in M. E. I-B, when banderols are purchased on credit.

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FORM M. E. 1-B.

(*Vide* clause 39.)

PART I—Statement showing the receipts, transfers to the Bonded Warehouse and balance of banderols purchased on credit with the licensee.

Date	Opening balance					Received during the day					Total					Transferred to the Bonded Warehouse					Damaged in process and handed over to the Supervising Officer					Balance with the licensee				
(1)	(2)					(3)					(4)					(5)					(6)					(7)				
	Class of banderols					Class of banderols					Class of banderols					Class of banderols					Class of banderols					Class of banderols				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses	Grosses
	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles	Singles

FORM M. E. I-B—*contd.*

Part II—Statement of Banderols purchased on credit or boxes with the Bonded Warehouse, the receipts, issues and closing balance in the Bonded Warehouse.

Date	Opening balance of banderols affixed to boxes in the Bonded Warehouse (8)					Received in the Bonded Warehouse (9)					Total (10)					Issues from the Bonded Warehouse (11)					Balance in the Bonded Warehouse (12)					Balance of total stock with licensee in the Bonded Warehouse and with Supervising Officer. [column (7)+(12)+column (6) of Form M. E. 1.] (13)				
	Class of banderols					Class of banderols					Class of banderols					Class of banderols					Class of banderols					Class of banderols				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.	Grosses. Singles.

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FORM M. E. 1-B—*contd.*

Part III—Duty corresponding to entries in Part I.

Duty on stock with the licensee (14)												Duty on issues to the licensee (15)												Total (16)											
Class of banderols											Total	Class of banderols											Total	Class of banderols											Total
1		2		3		4		5				1		2		3		4		5				1		2		3		4		5			
Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.

FORM M. E. 1-B—*contd*

Duty on issues to the Bonded Warehouse (17)												Remission on damaged banderols (18)												Duty on balance with the licensee (19)											
Class of banderols											Total	Class of banderols											Total	Class of banderols											Total
1		2		3		4		5				1		2		3		4		5				1		2		3		4		5			
Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.

FORM M. E. 1-B.—*contd.*

Part IV—Duty corresponding to the entries in Part II.

Duty on banderols in Bonded Warehouse (20)												Duty on receipts in Bonded Warehouse (21)												Total (22)											
Class of banderols											Total	Class of banderols											Total	Class of banderols											Total
1		2		3		4		5				1		2		3		4		5				1		2		3		4		5			
Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.

FORM M. E. 1-B.—*contd.*

Duty on issues from the Bonded Warehouse (23)												Duty on closing balances in the Bonded Warehouse (24)												Duty on stock in the factory [column (19) + (24) + column (7) in Form M. E. 1.] (25)											
Class of banderols											Total	Class of banderols											Total	Class of banderols											Total
1		2		3		4		5				1		2		3		4		5				1		2		3		4		5			
Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.

FORM M. E. 1-B.—*contd.*

Part IV—Duty corresponding to the entries in Part II.

Duty on banderols in Bonded Warehouse (20)												Duty on receipts in Bonded Warehouse (21)												Total (22)											
Class of banderols											Total	Class of banderols											Total	Class of banderols											Total
1		2		3		4		5				1		2		3		4		5				1		2		3		4		5			
Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.

FORM M. E. 1-B.—*contd.*

Duty on issues from the Bonded Warehouse (23)												Duty on closing balances in the Bonded Warehouse (24)												Duty on stock in the factory [column (19) + (24) + column (7) in Form M. E. 1.] (25)											
Class of banderols											Total	Class of banderols											Total	Class of banderols											Total
1		2		3		4		5				1		2		3		4		5				1		2		3		4		5			
Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.

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FORM M. E. 1-C.

(*Vide* CLAUSE 39.)

Statement showing the duty on banderols purchased on credit from the Treasury remittance made by the licensee and the balance of cost price of banderols to be recovered.

Date (1)	Duty outstanding with the licensee (2)												Duty on receipt of banderols from the treasury (3)												Total (4)											
	Class of banderols											Total	Class of banderols											Total	Class of banderols											Total
	1		2		3		4		5				1		2		3		4		5				1		2		3		4		5			
	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.		Rs.	a.

FORM M. E. 1-C.—*contd.*

Remittance made by the licensee (5)												Remission on damaged banderols (6)												Balance to be recovered from the licensee (7)												Remarks (8)
Class of banderols											Total	Class of banderols											Total	Class of banderols											Total	
1		2		3		4		5				1		2		3		4		5				1		2		3		4		5				
Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	

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FORM M. E. 2.

(*Vide* clauses 24, 36 and 37.)

Manufactory of.....

	Matches manufactured															
	Class 1			Class 2			Class 3			Class 4			Class 5			
	Number of cases/packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes or booklets	Number of cases/packets—number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Total number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes or booklets	Total number of gross boxes booklets
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Removed to bonded warehouse																	Here enter under each date serial number assigned to cases or packets produced and those taken into bond	
Class 1			Class 2			Class 3			Class 4			Class 5						
Number of cases/packets—number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes or booklets	Number of cases packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes or booklets	Total number of gross boxes/booklets		Serial number of cases or packets produced	Serial number of cases or packets removed to the bonded warehouse
18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33		34	35

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FORM M. E. 2-A.

(*Vide* Clauses 36 and 37.)

Manufactory of.....

	Matches manufactured															
	Class 1			Class 2			Class 3			Class 4			Class 5			
	Number of cases/packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes or booklets	Number of cases/packets—number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Total number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes or booklets	Number of cases/packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes or booklets	Total number of gross boxes/booklets
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

	Removed to bonded warehouse																Here enter under each date serial number assigned to cases or packets produced and those taken into bond	
	Class 1			Class 2			Class 3			Class 4			Class 5					
	Number of cases/packets—number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes or booklets	Number of cases/packets—number of gross in each	Number of gross boxes or booklets	Total number of gross boxes or booklets	Total number of gross boxes/booklets	Serial number of cases or packets produced	Serial number of cases or packets removed to the bonded warehouse
18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	

FORM M. E. 3-A.

(*Vide* clauses 24 and 25.)

Application for removal of matches from the manufacturing store to the bonded warehouse of ..... manufactory.

No.

Date.....19

To

The Supervising Officer,

————————Manufactory.

Sir,

Please permit me to remove from the manufacturing store to the bonded warehouse matches as detailed below :—

	Class				
	1	2	3	4	5
Number of cases or packets					
Number of gross boxes or booklets in each case or packet.					
Loose matches					
Total number of gross boxes or booklets					

Licence-holder.

NOTE (i).—The cases or packets bear the following serial numbers :—

————————

————————

————————

NOTE (ii).—Class refers to the classes of boxes or booklets specified in clause 42 (2) of the Matches (Excise Duty) Rules 1934.

FORM M. E. 3-B.

(*Vide* clauses 30, 31, 32 and 34.)

Application for removal of $\frac{\text{Banderolled matches}}{\text{Unbanderolled matches}}$ from the bonded warehouse of..... ....

No.

Date.....19

To

The Supervising Officer,

.....Manufactory.

Sir,

Please permit me to remove for $\frac{\text{Inland consumption}}{\text{Export}}$ matches in accordance with the particulars given below :—

	Class				
	1	2	3	4	5
Name and address of the consignee					
Place of booking by rail or port of shipment where the removal is for export					
Number of cases or packets					
Number of gross boxes or booklets in each case or packet					
Total number of gross boxes or booklets					
Loose matches					

Rs. A. P.

Duty paid

Dated.....of..... Treasury

Treasury Receipt No.

Licence-holder

NOTE (i).—The cases or packets bear the following serial numbers :—

————————

————————

————————

NOTE (ii).—Class refers to the classes of boxes or booklets specified in clause 42 (2)

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FORM M. E. 4.

(*Vide* clauses 25, 28, 36, 37 and 39.)

Register of Receipts and Issues of Matches from.....bonded warehouses of.....

Date	Opening balance				Received in store				Total				Issued				
													For inland consumption				
	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets	Number of gross in each	Number of gross boxes booklets	Total number of gross boxes/booklets	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Permit number	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets
1	2		3	4	5		6	7	8		9	10	11	12		13	14

Date	Issued												Balance					
	For export					Duty to be levied	Destroyed or sent back for reconditioning				Total							
	Permit number	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets		Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Duty on the balance	Remarks
	15	16		17	18	19	20		21	22	23		24	25	26	27	28	29	30

NOTE.—The serial numbers on cases/packets removed from the bonded warehouses should be noted in the remarks column against the dates of issue.

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FORM M.F. 4-A.

(*Vide* clauses 36 and 37.)

Register of Receipts and Issues of Matches from.....bonded warehouse of.....

Month	Opening balance				Received in store				Total				Issued			
													For inland consumption			
	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets	Number of gross in each	Number of gross/booklets	Total number of gross boxes/booklets	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of boxes/booklets
1	2		3	4	5		6	7	8		9	10	11		12	13

	Issued												Balance					
	For export					Destroyed or sent back for reconditioning				Total								
	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Duty to be levied	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/packets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Number of cases/booklets	Number of gross in each	Number of gross boxes/booklets	Total number of gross boxes/booklets	Duty on the balance	Remarks
	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28			
January ...																		
February ...																		
March, etc. ...																		

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FORM M.E. 5.

(*vide* clause 35.)

Permit for the issue of matches from the bonded warehouse of——————

No.——————— Dated——————————19

——————————————————is hereby permitted to remove from the bonded warehouse——————cases or packets of matches for issue to the person mentioned below :—

Name——————————————

Address——————————————

	Class 1.	Class 2.	Class 3.	Class 4.	Class 5.
Number of cases or packets					
Serial number of the cases or packets					
Number of gross boxes or booklets in each case or packet					
Total number of gross boxes or booklets					
Total ...					

Duty paid, Rs.

Treasury Receipt No.——————dated——————of——————Treasury,

The consignment shall pass through the——————gate.

Supervising Officer, Bonded Warehouse.

NOTE (i).—To be printed in triplicate.

NOTE (ii). Class refers to the classes of boxes or booklets specified in clause 40 (2) of the Matches (Excise Duty) Rules, 1934.

NOTE (iii).—Claims for refund in case of export shall be supported by a certificate of shipment outside India.

Checked the contents according to the details of permit and passed out of the gate as follows :—

Number of cases or packets——————————

Number of gross boxes or booklets in each case, or packet——————————

Total number of boxes or booklets——————————

Number of loose matches——————————

Serial number——————————

Peon on guard duty,

FORM M.E. 6.

(*vide* clause 31.)

Letter of intimation.

No.——————— Dated——————19

To

The Deputy Commissioner / Treasury Officer,

——————

Sir,

I have this day issued matches from the bonded warehouse, particulars of which are noted below; the cost of banderols of which has been paid under the following treasury receipts :—

(i) Name——————————

Address——————————

(ii) Treasury Receipt No.——————dated——————

No.——————dated——————

No.——————dated——————

(iii)

	Class 1.	Class 2.	Class 3.	Class 4.	Class 5.
Number of cases or packets					
Serial number of cases or packets					
Number of gross boxes or booklets in each case or packet					
Total number of boxes or booklets					

Duty paid, Rs.

Treasury Receipt No.——————dated——————of——————Treasury

Supervising Officer.

Copy to the Treasury Officer.

NOTE.—Class refers to the classes of boxes or booklets specified in clause 40 (2) of the Matches (Excise Duty) Rules 1934.

FORM M. E.-7.

(*Vide* Clause 9.)

Indent for the Purchase of Banderols for Cash.

(In triplicate.)

To

The Treasury Officer

———————

Sir,

Please supply me with banderols, particulars of which are furnished below, for which I enclose a challan for the remittance of Rs.————————less rebate.*

Class 1	Class 2	Class 3	Class 4	Class 5

Licensee.

1. The indent particulars of which are given above may be complied with. The factory is not a cottage factory.

2. A rebate certificate has been granted in Deputy Commissioner's No.———dated ————————and is current up to————

Supervising Officer.

NOTE.—The word 'not' will be deleted in the case of cottage factories and paragraph 2 in case of factories which are not working under the rebate certificate.

*To be deleted where no certificate issued by the Deputy Commissioner is in Force

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FORM M. E.-8.

(*Vide* clause 9.)

Requisition for the Supply of Banderols on Credit.

To

The Supervising Officer,

————————Manufactory.

Dated————————*193*

Sir.

I/We have this day in my/our Factory the undermentioned quantities of banderols-

Class of Banderols.	Number of gross. Gross.	Number of gross. Singles.	Value. Rs.	A.	P.
Class 1					
Class 2					
Class 3					
Class 4					
Class 5					
Total					

2. Please ask the Treasury Officer————————to supply me/us with banderols of the following denomination on credit for use at my/our match manufactory.

Date	Class of Banderols	Number of gross required.	Value. Rs.	A.	P.
	Class 1				
	Class 2				
	Class 3				
	Class 4				
	Class 5				
	Total				

Licensee.

Forwarded to the Treasury Officer,————————

2. The quantities of grosses of banderols indented for are due to him/them on credit and may/may not be issued (state the number of gross of banderols of each class to be issued according to credit balance in deposit or security.)

Supervising Officer.

No. L. 3178—*V. P.* 62-36-2, *dated Bangalore,* 21*st October* 1938.

In exercise of the powers conferred by section 58-B of the Mysore Village Panchayet Act, 1926, as amended from time to time, and section 102 of the District Boards Act, 1926, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to exempt the local area comprised in the villages of Jodi Kempapur Agrahar, Hosahalli and Hanumanthapur, Bangalore Taluk, and defined in the schedule appended to this Notification from the operation of the provisions of the said Acts and to make the following rules to provide for the matters dealt with in the said Acts for the said area :—

Rules.

1. For the proper and efficient administration of the said local area, there shall be formed a special committee distinct from, and independent of, the Bangalore District Board and the Bangalore City Municipal Council and the Village Panchayets of Jodi Kempapura Agrahara village and Hanumanthapur village and styled "*Binnypet Committee.*"

2. The Committee shall consist of seven members, four of whom shall be elected from among the residents of Binnypet, the other three being *ex-officio*, namely, the Revenue Sub-Division Officer, Bangalore Sub-Division, the Health Officer, Bangalore City and the Chief Executive Officer of the Bangalore Woollen, Cotton and Silk Mills Co., Ltd.

3. The Manager or the Chief Executive Officer of the said Mills shall be the Chairman of the Committee. The Committee shall hold office for a period of three years.

4. The Committee may appoint, with the approval of Government, a Secretary and a Medical Officer of Health and assign to them such duties and powers as the Committee shall deem fit for the administration of matters within its competence.

5. The Committee shall have power to appoint joint committees to carry out and administer joint works with the adjoining Village Panchayets or with the Bangalore City Municipal Council, or the Bangalore District Board

in all matters of joint concern on terms mutually agreed upon.

6. The Committee may, from the funds at its disposal, and subject to such instructions as may be given by Government from time to time, create appointments including those of Sanitary Inspectors, Assistant Sanitary Inspectors, Work Inspectors and such establishment as Maistries, Sweepers and Scavengers, Watchers and other Servants as may be found necessary for the proper and efficient administration of the area.

7. The Committee shall have power to prescribe bye-laws with the previous sanction of Government for the conduct of its business and for the guidance of its members and servants.

8. The Committee shall have power to levy, with like sanction such tax, rent, rate or cess within the said area as a Town Municipal Council would be competent to levy under the law in force relating to Town Municipalities or which may be specially sanctioned by Government.

9. (1) The Committee may, with the previous approval of Government, prescribe bye-laws—

(*a*) for regulating the construction and restoration of buildings of every description, the materials of which they shall be made, their ventilation and drainage, the number of persons that may occupy them and other similar matters and to prevent the construction of buildings without adequate provision being made for the lay-out and location of streets;

(*b*) for providing burning and burial grounds;

(*c*) for regulating the disposal of kitchen and stable refuse, animal refuse of all kinds and night soil or other offensive matter;

(*d*) for conserving and guarding against pollution all sources of water supply;

(*e*) for preventing overcrowding in bazaars, in workmen's lines and streets, or houses for work people and others;

(*f*) for the proper cleaning of the drains, sewers, latrines and urinals;

(*g*) for regulating the keeping of cattle and other animals, the location of sheds for them and the fixing or licensing of slaughter-houses; and authorising the levy of

rent or fees for the use of the same, or a fee on each animal slaughtered therein at such rates as may be prescribed from time to time;

(*h*) for the proper and timely treatment of persons affected with cholera or other epidemic disease; and for preventing the spread of such disease by temporarily prohibiting persons affected or suspected to be affected with it from moving to or from particular specified places or travelling on particular specified routes;

(*i*) (i) for the regulation and inspection of bakeries and aerated water factories;

(ii) the registration of births and deaths and enforcing the supply of information as may be necessary to make such registration compulsory;

(iii) the inspection and proper sanitation of the markets; and,

(iv) the regulation and inspection of hotels, restaurants, eating-houses and sweetmeat shops in the area; and

(*j*) generally for the sanitation of the area under its authority.

(2) for every breach of a bye-law made under this rule, the offender shall be liable to a fine not exceeding rupees one hundred on conviction before a Magistrate.

(3) all fines imposed for the breach of any bye-law made under this rule shall, when recovered, be credited to the funds of the Committee.

10. The Government may, at any time, by notification in the official gazette, repeal wholly or in part or modify any bye-law made by the Committee.

11. The Government may suspend the execution of or cancel or modify any resolution or order of the Committee and prohibit the doing of anything which is about to be done or is being done on behalf of the Committee. Subject to such conditions as may be imposed by the Government, the power of Government under this Rule may be delegated to any authority subordinate to Government.

12. The Committee shall have power to acquire and hold movable and immovable property whether within or without the limits of the local area and shall also have power—

(1) to let on hire or lease any movable or immovable property which may have become vested in or acquired by the Committee, and

(2) to sell and otherwise convey, with or without any conditions any movable or immovable property which may have become vested in or acquired by the Committee, and

(3) to appropriate or apply the whole or any part of the lands which may have become vested in or acquired by the Committee for the formation of open spaces or for building purposes or in any other manner for the purpose of any sanitation schemes.

13. (*a*) All moneys received by or on behalf of the Committee by virtue of these rules, all sums realised as taxes, rents and other imposts, fines, fees, penalties paid to, or levied by it under these rules; all proceeds of land or other property sold by the Committee; and all rents accruing from its land or other property; as also all interest, profits and other moneys accruing by gifts or transfers from Government, from the Bangalore Woollen, Cotton and Silk Mills or private individuals or otherwise shall constitute the fund of the Committee.

(*b*) The fund shall be administered and applied for the purposes specified in the rules and for all other purposes for which by or under these rules or any other law for the time being in force, powers are conferred or duties imposed upon the Committee, and with the previous sanction of the Government, for any other purpose for which the application of such property or fund is in the public interests.

14. (1) It shall be lawful for the Committee to deposit at interest with the Government Savings Bank or with the sanction of the Government, in any other Bank in Mysore any surplus funds in its hands which may not be required for current charges and with the like sanction, invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may from time to time, approve in this behalf, and vary such investments or dispose of such securities with the like sanction.

(2) The Committee fund, over and above what is invested as provided for in sub-rule (1), shall be kept in the State Huzur Treasury.

15. All sums due from any person to the said fund on account of taxes, fees and all other dues may be recovered in any one or more of the following ways :—

(1) as an arrear of land revenue, on the written application of the Chairman in this behalf, to the Deputy Commissioner of any district in which proceedings are required to be taken;

(2) by distraint and sale, by or under the orders of the Chairman of the movable property of such persons, and

(3) by the institution by the Chairman, of a civil suit against such persons.

16. The Director of Public Health, the Revenue Commissioner and the Deputy Commissioner, Bangalore District, shall have power to inspect the area and advise the Committee in matters relating to sanitation, etc., and the Committee shall be bound to carry out all reasonable instructions issued by such officers.

17. The Chairman shall submit to Government before the 31st July of each year a report on the administration of the area under the control of the Committee.

SCHEDULE.

Name of the Village.		*Survey Nos.*	*Extent.* A.	G.
1. Jodi Kempapur Agrahar	...	43	6	12
		44	4	1
		45	9	16
		46	12	11
		47	5	3
		321	3	25
2. Portion of village site of Hosahalli	...	...	1	24
3. Hanumanthapur Village	...	10	4	31
		Total Extent ...	47	3

BOUNDARIES.

East.—The boundary line commencing at the north-east corner of Hosahalli Village site runs in a southern direction along the eastern boundary line of Survey Nos. 44 and 46 of the village and then joins the boundary line of Bhogenahalli at the south-east corner of Survey No. 46 of the village.

South.—It passes along the southern boundary of Survey No. 46 of the village and that of Bhogenahalli and taking a turn towards the west of Survey No. 46, it passes along the northern boundary of Survey No. 48 of the village and joins the south-east corner of Survey No. 49 of the village.

West.—It passes along the eastern boundary of Survey No. 49 of the village and joins the north-east corner of Survey No. 49 and south-west corner of Survey No. 43 of the village.

North.—The line then takes its course along the Mysore—Bangalore Railway line reaches the south-west corner of Survey No. 321. It continues its course along the railway line and joins the north-east corner of the portion of the village site in serial 2 above.

Note:—A deep water course actually divides these two points marked *voni* in the plan.

No. D. 3604—*C. S.* 14-38-12, *dated Bangalore, 25th October* 1938.

In exercise of the powers vested in them under Section 44 (1) of the Mysore Co-operative Societies Act, 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following rule prohibiting the treating of accrued interest due but unrealised as profits by Co-operative Societies :—

35. "In calculating the profits of a society for the year, for the purpose of declaring a dividend or bonus, all interest accrued due, but not actually realised shall be deducted from the gross profits of the year, before the net profits are arrived at. All accrued interest that has been so deducted from the profits of the year and that is actually recovered during the subsequent year, may be added to the profits of the subsequent year. The Registrar may, in special cases and after due enquiry, permit or authorise a society to treat interest accrued due for a period not exceeding one year as profits; but if the amount so permitted to be treated as profits is not actually recovered during the subsequent year, it shall be deducted from the profits of such subsequent year before the net profits of that year are arrived at".

By Order,

P. H. KRISHNA RAO,

Secretary to Government,

Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 44.

BANGALORE, THURSDAY, NOVEMBER 10, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1284—*Rt.* 24-38-2, *dated Bangalore, 3rd November* 1938.

In modification of Rule 2 (a) (iii) of the Mysore Motor Vehicles Tax Rules published with Notification No. P. 3812—Legis. 44-33, dated 11th December 1935, appointing the officers in charge of taluk treasuries at all taluk headquarters as licensing officers under the Mysore Road Traffic and Taxes Act VI of 1935, for collecting Vehicle, Service and road taxes due on motor vehicles and for grant of licenses, the Government of His Highness the Maharaja are pleased to direct that the treasury officers at the following taluk headquarters shall cease to be licensing officers from the 1st January 1939:—

(1) Channapatna	Taluk	Treasury	...	Bangalore	District.
(2) Tiptur	,,	,,	...	Tumkur	,,
(3) Seringapatam	,,	,,	...	Mysore	,,
(4) Nanjangud	,,	,,	...	,,	,,
(5) Nagar	,,	,,	...	Shimoga	,,

No. T. 1307—*R. T.* 1-38-8, *dated Bangalore, 4th November* 1938.

In virtue of the powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, as amended by Act No. IX of 1936, the Government of His Highness the Maharaja are pleased to direct (1) that a check gate be opened near the railway level crossing at Doddkurugod Railway Station, adjoining the Bangalore-Hindupur Road, and (2) that this check gate and the Kudumalakunte frontier toll-gate, Kolar District, be treated as one toll-gate, the payment of toll at one toll-gate exempting vehicles, etc., from payment of the same at the other.

By Order,
M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 45.

BANGALORE, THURSDAY, NOVEMBER 17, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1408—*R. T.* 27-38-4, *dated Bangalore,* 11*th November* 1938.

In exercise of the powers conferred on them by Section 13 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to exempt motor buses, lorries and cabs belonging to Government or any department of Government from payment of the inspection fee leviable under Rule 6 of the rules relating to inspection of public service motor vehicles and private lorries, issued with Notification No. T. 1—T. B., dated 28th February—2nd March 1936. (*Vide* page 120, Mysore Motor Manual 1938.)

No. T. 1470—*R. T.* 10-37-65, *dated Bangalore,*
14*th November* 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 21-A of the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft amendment in the said behalf having been already published with Notification No. T. 919—R. T. 10-37-62, dated 20th September 1938, at page 254, Part IV of the *Mysore Gazette*, dated 6th October 1938.

Amendment.

Delete the word "mechanical" in line 4 of Rule 21-A issued with Notification No. T. 283—R. T. 38-36-22, dated 20th July 1937, at page 153, Part IV of the *Mysore Gazette* dated 29th July 1937, and substitute the following words :—

"a hand or mechanically operated."

The rule after the amendment will read as follows :—

21-A. Left-hand-drive motors.

21-A. "No motor vehicle with a left-hand steering control will be registered unless it is provided on its right or off-side with a hand or mechanically operated signalling apparatus of a pattern approved by the registering authority, which shall, when in operation, indicate to the following traffic the driver's intention of turning to the right or of his intention of stopping the vehicle; provided that in all cases of such motor vehicles as have been already registered but are not provided with such apparatus, a period of six months from the date of the introduction of this rule is permitted for installing such apparatus."

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No D. 4373—*C. S.* 14-38-14, *dated Bangalore, 14th November* 1938.

In exercise of the powers vested in them under Section 44 (2) (g) of the Mysore Co-operative Societies Act of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following rule prohibiting a person from serving on the Committee of Management more than one Co-operative Society of the same type.—

"6 (*d*) No person shall serve simultaneously on the Committee of Management of more than one Society of the same type without the special or general sanction of the Registrar."

N. B.—The decision of the Registrar as to whether two or more Societies are of the same type or not shall be final.

By Order,
P. H. KRISHNA RAO,
Secretary to Government,
Local Self-Government Department.

No. L. C.—966, *dated Bangalore, the 7th November* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Limitation Act, 1911 is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore Limitation Act, 1911.

Whereas it is expedient further to amend the Mysore Limitation Act, 1911: It is hereby enacted as follows:—

In the first column of Article 11 of the First Schedule to the Mysore Limitation Act, 1911, omit the

words "after an investigation of" and substitute the word "on" in their place.

Statement of objects and reasons.

In British India a suit by a person against whom an order has been made under the Code of the Civil Procedure on a claim preferred to or an objection made to the attachment of property attached in execution of a decree is one year from the date of the order whether the order in question was passed after investigation or not. But in Mysore a difference exists between an order passed after an investigation and an order passed without investigation. It the case of the former the short period of limitation prescribed under Article 11 applies whereas the usual period of limitation for establishing title to property, *viz.*, 12 years applies in the case of the latter. From this it is seen that the orders in cases of claims or objections, where there was investigation, became conclusive after one year, if no suit was filed to set aside such an order by the unsuccessful party whereas in the other case, where there was no investigation, the order was not conclusive at all.

A claimant or objector who puts forward his claim or objection and interferes with execution proceedings and then does not take step to have his claim investigated is in a better position than the one who gets his claim investigated. Very often the claimants will be acting on behalf of the judgment-debtor to impede the progress in the realisation of the decree amount. There is no reason to treat the two claimants differently. In British India both kinds of claimants are treated alike, whether there is any investigation or not. In such a proceeding, the unsuccessful party has to bring a suit within one year from the date of the order. It is now proposed to amend Article 11 of the Limitation Act to bring it on a line with the law in British India and to omit the distinction now existing. It is also convenient that our law should be similar to British India law as far as possible.

No. L. 4090—*Ml.* 74-37-169, *dated Bangalore, 17th November* 1938.

In exercise of the powers vested in them under Section 61 (i) (ii) read with Section 106(t) of the Minor Municipalities Act, 1933, the Government of His Highness the Maharaja of Mysore are pleased to issue the accompanying rules for regulating dangerous and offensive trades within the limits of the Minor Municipalities in the State :—

Rules.

1. A. "Dangerous trade" means the business of storing, for sale—

(1) Firewood,
(2) Hay, Straw, or any other dried fodder for cattle,
(3) Coal and Charcoal,
(4) Cotton,
(5) Kerosene Oil in godowns,
(6) Petroleum in godowns,
(7) Kerosene oil in tanks,
(8) Petroleum in tanks,
(9) Bamboos, poles, rafters, reepers, scoutings and mats,
(10) Calcium carbide in bulk,
(11) Any other material of an inflammable character.

B. "Offensive trade" means the business of—

(1) Boiling or storing offal, blood, bone or rags,
(2) Storing hides, horns or skins or organic manure,
(3) Tanning,
(4) Dyeing,
(5) Washing or drying wool or hair,
(6) Making or manufacturing of tiles, pottery or other earthenware or lime,
(7) Making or manufacturing bricks,
(8) Manufacturing oil by boiling,
(9) Camphor boiling,
(10) Soap making,
(11) Using any place as a cart-stand,
(12) Using any place as a smithy,

(13) Using any place as a rice mill, flour mill or oil mill or for twisting yarn or silk-weaving or other industrial concern, wherein electricity, steam, water or other mechanical power is used, to work the same or as a factory as defined in the Mysore Factories Act.

"Owner" means the proprietor and includes all persons in charge of the places where offensive or dangerous trades as explained above, are carried on.

2. The Owner of every place where dangerous or offensive trades are proposed to be carried on, shall not use it as such without obtaining a license therefor, from the President.

3. The license shall be current for one year commencing from 1st July to end of June every year, and it is not transferable.

4. The owner should apply for the renewal of the license at least 15 days before the expiry of the period specified in the previous license.

5. Every person who obtains a license under rule (2) or a renewal of the license under rule 4 should pay license fees at the following rates:—

(a) (i) *Dangerous Trades.*—For each class of business:—Rs. 5 per annum.

(b) (i) *Offensive Trades.*—For each class of business or each kiln or furnace for bricks, the license fee shall be Rs. 5 per annum.

(ii) For each Factory Rs. 25.

Note.—In the case of hand-made bricks, the license fee shall be Rs. 5 per kiln of 1,00,000 bricks or a fraction thereof.

6. No such license shall be granted, unless the place intended for the purpose is suitable for the trade in question without the likelihood of causing any danger or nuisance to the persons residing in or resorting to the neighbourhood.

7. Every owner as defined in Rule 1 above, shall be bound to allow the inspection of the place where the trade is carried on by the President, Vice-President, Sanitary Inspector or Assistant Sanitary Inspector of the Municipality and any Revenue Officer of and above the rank of the Revenue Inspector, and shall afford every facility for such inspection.

8. Every such owner shall be bound to furnish to the President, whenever called upon to do so, statistics, such as number of people employed, their salaries and quantity of goods received, manufactured, sold, or exported by him.

9. The license is subject to the special conditions noted below :—

2. A. *Dangerous Trades.*—(1) Every owner shall so store his goods as to admit of free ingress and egress for the removal of the goods and for quenching a fire, if any, should break out,

(2) He shall not cause or suffer any cover made of combustible material to be erected or placed over or adjoining any such goods,

(3) He shall, at all times, keep the premises clean and dry to the satifaction of the Municipal Officers.

(4) He shall not allow smoking or the introduction of fire or open light into the premises and he shall always store sufficient quantity of water to quench a fire, if any, should break out.

(5) He shall comply with any requisition from the President, Vice-President or any other Municipal Officer or servant authorised by such President, contained in a notice for the total or partial removal from the premises of the aforesaid goods or the removal of any other combustible materials not intended for sale or for rectifying any error or omission in attending to the said premises.

3. B. *Offensive Trades.*—(1) In the case of offensive trades (1) the trades mentioned in Rule 1B (2), (3), (4), (5), (8), (9) and (10) shall not be carried on in any locality which is thickly populated and which is less than two furlongs distant from a cluster of 25 inhabited houses.

(2) The trade shall be carried on only in the place shown in the license,

(3) The owner shall store or convey all offensive and noxious material in proper air-tight receptacles provided with effective tight lids.

(4) He shall adopt the best practicable means of rendering innocuous all vapours emitted during the process of the trade either by proper ventilation or other suitable means, the manner in which and the place to which all refuse matter might be transported being determined by the President.

(5) He shall keep the floor and the premises in good order and repair so as to prevent the absorption of any liquid, filth or refuse or any noxious or injurious matter which might fall or get deposited thereon.

(6) He shall provide the premises with proper drains and keep them in good order.

(7) He shall cause the premises to be cleaned at the close of the day.

(8) He shall not allow any refuse or waste matter, whether solid or liquid, which is likely to be a source of danger or nuisance, to be deposited in or around the premises but shall have it removed daily in such manner as might be determined by the President.

(9) He shall adopt such other precautions as are necessary to minimise danger or nuisance to the public from the use to which such premises are put.

(10) He shall comply with any requisition from the President, Vice-President or other Municipal Officer or servant authorised by the President contained in a notice for rectifying any error or omission in attending to the above provisions and for promoting the health of the persons employed in such trade.

10. The President shall have power to suspend or withdraw a license granted under these rules, whenever he deems such a course necessary, in the interest of the safety and convenience of the public generally, or of the persons inhabiting or resorting to the neighbourhood of the premises covered by the license or for failure to get the license renewed for the ensuing year in time, or whenever the conditions of the license are not complied with.

11. Any breach of these rules will entail in addition to the suspension or withdrawal of the license, the prosecution of the owner under Section 98 of the Minor Municipalities Act, 1933.

12. The license shall be in the following form :—

LICENSE TO CARRY ON DANGEROUS AND OFFENSIVE TRADES.

No. Fees Rs. Date

granted under the rules regulating Dangerous and Offensive Trades issued with Government Notification No.

To

(Name of Owner).
Description of trade.
Description of premises.
Period covered by the license.

President.

CONDITIONS.

1. The license is not transferable.
2. The license is current for one year commencing from.....
.....

3. The license is subject to the conditions enumerated in Rules 7, 8, 9 and 10 of the rules for regulating Dangerous and Offensive Trades in minor Municipalities.

No. D. 4512—C. S. 11-36-308, dated Bangalore, 21st November 1938.

In exercise of the powers vested in them under Section 44 (2) (g) of the Mysore Co-operative Societies Act VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following modifications in Rule 31 of the Rules in the matter of election of members to the Committees of Management of Co-operative Societies.

(1) Add the following as sub-rule 2-A of Rule 31.

"As a rule all the members of the committee of management shall be deemed to have vacated their seats at the time of the annual general meeting but shall continue in office till relieved by their successors."

(2) Add the word "annual" before the words "general meeting," wherever the same occur in Rule 31.

(3) For the word "meeting" in line 6 of sub-rule 2 of Rule 31, substitute the word "election."

By Order,

P. H. KRISHNA RAO,
Secretary to Government,
Local Self-Government Department.

No. 973—*L. C. dated Bangalore,* 11*th November* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888, for certain purposes; It is hereby enacted as follows:—

1. This Act may be called the Mysore Land Revenue Code (Amendment) Act 193 .

2. In Clause (4) of Explanation to Section 79 of the Mysore Land Revenue Code, 1888, hereinafter referred to as the said Code, the word "twelve" shall be substituted for the word "twenty."

3. After Section 87 of the said Code, the following new Section shall be added as Section 87A.

"87A. When owing to inadequate rainfall in any tract, the Government orders remission of assessment in respect of lands in the tract, the payment of the rent or land revenue by a *kadim* tenant to the superior holder in respect of a land in any alienated village comprised in such tract shall be remitted to an amount prescribed by rules by the Government, and the loss of rent or land revenue incurred by the said superior holder shall be divided between the Government and the said superior holder in the proportion of the land revenue payable by the said superior holder to the Government and the total assessment of the village less the land revenue payable by the said superior holder to the Government.

4. After Section 96A of the said Code, the following new Section shall be added, namely.

"96B. All disputes relating to the nature of tenancy under this Chapter shall be decided by the

Deputy Commissioner. If during the introduction of Survey and Settlement, disputes relating to *kadim* and permanent tenancy rights are brought to the notice of the Settlement Officer, he shall make a list of such cases and send it to the Deputy Commissioner for adjudication.

5. (i) Clause (*c*) of Section 99 of the said Code shall be omitted, and the subsequent clauses renumbered as (*c*), (*d*) and (*e*), respectively.

(ii) In the first proviso to the same Section, for the words "Clauses (*c*) to (*f*)," the words "Clauses (*c*) to (*e*)" shall be substituted, and the words "under the provisions of Section 236" at the end of the proviso shall be omitted.

6. In Section 111 of the said Code, the following shall be added as a sub-clause of clause (1).

"In the case of lands under holding in an alienated or *kayamgutta* village newly brought under Settlement, the rate of assessment may be fixed a little higher than otherwise but without exceeding the maximum rate applicable to the locality so as not to diminish the existing income derived from them by the Inamdars. The Settlement shall be subject to the rules as to the maximum increase permissible at Re-settlement.

7. For Section 119A of the said Code, the following shall be substituted:—

"119A. Whenever it appears to the Government that an alienated village is being grossly mismanaged during the period of the minority or of unsoundness of mind of the holder, *or that it is expedient in the public interests to take over the management of an alienated village by Government, on account of the incapacity of the holder or any other cause*, the Government may, by notification in the official Gazette, order the Deputy Commissioner or any officer of Government to assume the management of such village temporarily on behalf of Government, *provided that in the latter case, the assumption shall not be made without giving notice to the holder and affording him a reasonable opportunity to be heard and to adduce evidence to show that he is fit to manage the village*. Government may, by a like order, release the property from its management as soon as the holder ceases to be a minor or the disability has ceased or for any other reason."

8. After Section 119A of the said Code, the following shall be added as Section 119B :—

"119B. When not less than 50 per cent of the tenants in an alienated village apply to the Deputy Commissioner that the village should be taken under Government management an account of disputes or misunderstandings between them and the *Inamdar*, the Deputy Commissioner shall hold a formal enquiry, and if satisfied that it is necessary to take over the village, he shall make a recommendation to Government. Similarly when an *Inamdar* or where the village is held in shares or *vritties*, not less than 50 per cent of the *vrittidars* apply to the Deputy Commissioner that the village should be taken under Government management on account of misunderstandings between them and their tenants, or on account of disputes amongst themselves or for other valid reasons, the Deputy Commissioner shall hold a formal enquiry and if satisfied that the village should be taken over, he shall make a recommendation to Government. Government may thereupon order the Deputy Commissioner or any other officer of Government to assume the management of such village temporarily on behalf of Government. Management assumed under this Section shall not be for a period of less than 8 years and 9 per cent of the revenue of the village shall be charged to the *Inamdar* towards the cost of administration."

9. To Section 193 of the said Code, the following clause shall be inserted between the two clauses beginning with "and all moneys due" and "and also all sums declared ....," "and all sums due from a tenant in an alienated village as contribution, in respect of any irrigation work, under a contract which provides that they shall be recoverable as arrears of land revenue."

10. Section 236 of the Land Revenue Code shall be omitted.

11. In Section 237 of the said Code, the proviso, at the end, shall be omitted and for the colon at the end of the first portion of the Section, a full stop shall be substituted.

Statement of objects and reasons.

In passing orders on the recommendations of the Committee appointed for suggesting measures for improving the condition of tenants in *inam* and *jodi* villages,

Government accepted several of the recommendations and stated that necessary changes would be made in the existing law. With a view to implement the orders, it is proposed to amend the Land Revenue Code as hereunder :—

It is proposed to delete Section 236 and amend sections 237 and 111 so as to enable Government to introduce Survey and Settlement compulsorily into *inam* villages. The amendment provides that in so introducing settlement, the interests of the tenants or the *jodidars* are not affected and that while the tenants get the benefit of the general rules as to the maximum extent of increase permissible over the existing assessment for the village and for the individual fields, the existing income of the *inamdars* is not reduced.

Sub-clause (*c*) of Section 99 which gives discretion to the *inamdar* to vary the time at which and the instalments in which the land revenue or rent shall be payable is proposed to be deleted so that the system of *khists* prevailing in Government villages may be invariably adhered to.

With a view to enlarge the scope for taking *inam* villages under Government management as recommended by the Inam Committee, it is proposed to add a new section after Section 119A to enable Government to assume the management of *inam* villages at the instance of either the tenants or the *inamdars* subject to certain conditions. Section 119A is also proposed to be amended so as to enable Government to take over the management of an *inam* village on account of the incapacity of the holder to manage the village or for other cause.

In order to secure for *kadim* tenants in alienated villages in a tract affected by adverse seasonal conditions, the benefit of remission in rent similar to that which may be granted by Government, in Government villages in the tract under the remission rules, it is proposed to insert a new section as Section 87A.

At present there is no provision of law under which contribution payable to a holder of an *inam* village under the terms of the *mutchalika* executed by a raiyat in respect of an irrigation work in the *inam* village, can be recovered as an arrear of revenue by summary process under the Land Revenue Code. To remove this difficulty

which stands in the way of the construction and restoration of irrigation works in *inam* villages, Section 193 is proposed to be suitably amended to provide for recovery by summary processes of contribution due from the *atchkatdars*.

Section 79 of the Code is proposed to be amended so as to reduce the period of continuous possession or payment of fixed rent on the part of a tenant for raising the presnmption of tenancy from 20 to 12 years. A new section is proposed to be added as Section 96B to empower Deputy Commissioners to decide all questions relating to nature of tenancy.

No. 974—L. C., dated Bangalore the 11th November 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the mixture of Alcohol with Petrol for use as Motor Fuel in Mysore is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to provide for the mixture of Alcohol with Petrol for use as Motor Fuel in Mysore.

Preamble.—Whereas it is expedient to make provision for the development of the Power Alcohol Industry in the State by requiring its compulsory admixture with petrol for use as motor fuel; It is hereby enacted as follows :—

1. (i) *Short Title and Extent.*—This Act may be called the Mysore Power Alcohol Act, 193.

(ii) It extends to the whole of Mysore.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Distillery" means any premises wherein or

within the precincts of which alcohol is distilled from molasses;

(b) "Petrol" means dangerous petroleum as defined in the Mysore Petroleum Act, I of 1923.

(c) "Alcohol" means ethyl alcohol of not less than 99·5 per cent purity with the addition of suitable denaturant that may be prescribed under the rules.

Power to direct sale of mixture.

3. (i) The Government may, by notification in the official Gazette, direct that in any local area no petrol shall, from such date as may be specified in such notification, be sold or kept for sale except with an admixture of anhydrous alcohol manufactured in the State.

(ii) The alcohol to be employed for such admixture shall be obtained from a distillery established by or with the sanction of Government and the price to be paid to the owner of the distillery for the alcohol shall be fixed by Government from time to time.

(iii) The proportions of petrol and alcohol in such mixture shall be as notified by Government in respect of each local area and may be enhanced or reduced from time to time but the proportion of alcohol in the mixture shall in no case be more than 25 per cent or less than five per cent by volume.

Levy of excise duty.

4. Government may levy an excise duty on alcohol intended for admixture with petrol sold by any distillery governed by this Act at rates to be fixed by a notification published in the official Gazette.

Punishment.

5. Whoever contravenes the provisions of Section 3 shall be punishable with fine which may extend to one thousand rupees and in the case of a continued contravention with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after conviction therefor.

Prosecution to be authorised.

6. No prosecution under this Act shall be instituted except under the authority of a District Magistrate.

Offences by whom to be tried.

7. No offence made punishable by this Act or by any rule made thereunder shall be tried by a court inferior to that of a Magistrate of the First Class.

Power to make rules.

8. (i) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe specifications and tests in respect of the purity of alcohol intended for

admixture with petrol in order to ensure its suitability for use on motor vehicles;

(b) provide for determining the price to be paid to the owner of a distillery for alcohol supplied for purposes of admixture with petrol;

(c) provide for imposing and collecting a duty of excise on alcohol intended for admixture with petrol;

(d) prescribe conditions in respect of the transport and storage of alcohol intended for admixture with petrol and for the manner in which the admixture is to be effected;

(e) prescribe the submission by the manufacturer of alcohol and importers and distributors of petrol of returns regarding the quantities of anhydrous alcohol and petrol, manufactured, purchased, stored and sold.

(iii) Rules made under this Act may provide that any contravention of such rules shall render the offender liable, on conviction before a Magistrate, to a fine not exceeding five hundred rupees.

Exemption of petrol used for aviation.

9. Nothing contained in this Act shall apply to petrol required for aviation.

Statement of objects and reasons.

The profitable disposal of molasses is a problem that is facing the Sugar Industry in India and the suggestion has been made that a way may be found for the disposal of a portion of the alcohol made from molasses by prescribing that the fuel used in motor vehicles should contain a percentage of anhydrous alcohol blended with petrol. Such a mixture has been prescribed in a number of countries to encourage the use of local materials to some extent and to minimise dependence on imported supplies of motor fuel.

Investigations in India and abroad have shown that the mixture, provided the alcohol is not less than 99·5 per cent purity and its proportion is limited to about 25 per cent, is not less efficient in its fuel value than petrol and that its anti-knock properties constitute an advantage for the smooth running of vehicles. No change is called for in the mechanism of the engine or any other part of

the motor and the mixture can be used in the same manner as petrol.

The Mysore Sugar Company expect to have the plant for the manufacture of anhydrous alcohol before the end of the year and the object of this Bill is to enable Government to prescribe in respect of areas notified for the purpose that anhydrous alcohol should be mixed with petrol before it is sold to the public, to prescribe the percentage of alcohol, its purity and price, to prescribe the rate of excise duty to be levied on alcohol and to provide for punishments for the contravention of the Act or rules to be made thereunder.

Necessary arrangements will be made with the petrol companies for the proper blending and sale of the mixture and to regulate the price at which the mixture is sold.

No. 980—*L. C. dated Bangalore, 15th November* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Cattle Trespass Act, 1871, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill further to amend the Cattle Trespass Act, 1871.

Whereas it is expedient further to amend the Cattle Trespass Act, 1871; It is hereby enacted as follows:—

In Section 14 of the Cattle Trespass Act, 1871,—

(*a*) In paragraph *one* after the words "seven days" the following words shall be inserted, namely "or within three days in the case of asses impounded", and

(*b*) In paragraph *three* after the words "seven days" the following words shall be inserted, namely, "or within four days in the case of asses impounded."

Statement of objects and reasons.

Under Section 14 of the Cattle Trespass Act, 1871, asses impounded in the cattle pounds of the local bodies shall have to be disposed of by auction only after a detention of 14 days. It is found by experience that such a procedure results in loss especially to the municipal councils concerned, the realisations by the sale of the impounded asses after the prescribed period of 14 days being considerably less than the feeding charges incurred by the local body during the period. In order to overcome this difficulty, it is proposed to reduce the period of detention of asses in pounds from 14 days to 7 days. The Bill is intended to give effect to this decision.

No. 975—*L. C., dated Bangalore the* 11*th November* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the establishment and better regulation of Agricultural Markets in Mysore is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to provide for the establishment and the better regulation of Agricultural Markets in Mysore.

Preamble.—Whereas it is expedient to provide for the establishment of open markets for the purchase and sale of cotton and of other agricultural produce in the State and for the better regulation of such markets: It is hereby enacted as follows.—

1. *Short Title.*—This Act may be called the Mysore Agricultural Produce Market Act, 193—.

2. *Extent and Commencement.*—It extends to the whole of Mysore. It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context :—

(*a*) "Agricultural Produce" means any produce of agriculture or horticulture and includes all produce of animals and their hides, skins and wool, and any article of food or drink wholly or partially manufactured from agricultural produce and declared by the Government of His Highness the Maharaja of Mysore by notification in the official Gazette to be agricultural produce for the purpose of this Act.

(*b*) "Cotton" includes ginned cotton, unginned cotton and cotton waste.

(*c*) "Market" means a market established under Section 4.

(*d*) "Grower of cotton or other agricultural produce" shall not include a dealer or broker in cotton or other agricultural produce although such a person may grow the same. If a question arises whether any person is a grower or not for the purpose of this Act, the decision of the deputy commissioner of the district in which the person permanently resides shall be final.

(*e*) "Local body" means the district board, municipal committee or a union board, duly constituted, as the case may be.

(*f*) "Notified area" means an area notified under Section 4.

(*g*) "Prescribed" means prescribed by the rules or the bye-laws under this Act.

4. (1) *Notification regarding the establishment of an Agricultural Produce or Cotton Market.*—The Government may, after consulting the district board and such other local authorities as they deem necessary or upon a representation made by such local authorities, by notification in the official Gazette, declare that any place shall be a market established under this Act either for agricultural produce or for cotton or for both.

(2) Every such notification shall define the limits of the markets so established, and may, for the purposes

of this Act, include within such limits such local area as the Government may prescribe.

5. *The Market Committee.*—For every market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these, not less than half shall be persons elected by or nominated from among the growers of agricultural produce or cotton of such area as the Government may prescribe, one shall be a member nominated by the Government, one shall be elected by the district board of the district in which the market for cotton or agricultural produce is situated, one by the municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed.

It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bye-laws made thereunder in such notified area, for the purpose of regulating the purchase and sale of agricultural produce.

6. *Rules.*—(1) The Government may, either generally, or specially for any market or group of such markets, make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or regulate:—

(i) the election and nomination of members of the market committee, the number of members to be nominated or elected by such of the bodies or groups of individuals referred to in Section 5 and the manner of nomination or election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such nomination or election and the terms of office of such members;

(ii) the powers to be exercised by the market committee;

(iii) the election of the chairman of such committee and his term of office;

(iv) the filling of casual vacancies in the offices of members or in the office of the chairman of the committee;

(v) the management of the market and the prescribing of the fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the market, the form in which and the conditions under which such licences shall be issued, and the fees to be charged for such licences;

(vii) the place or places at which cotton or agricultural produce shall be weighed or measured and the kind and description of scales, weights and measures to be used at such place or places;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the market;

(ix) the trade allowances which may be made or received by any person in any transaction in an agricultural produce in a market;

(x) the provision of any facilities for the settlement of any dispute between a buyer and a seller of any agricultural produce in the market or their agents including disputes regarding the quality or weight of the cotton or agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any cause;

(xi) the prohibition of brokers from acting on behalf on both the buyer and seller in any transaction;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market;

(xiii) the provision of storage arrangements for cotton and agricultural produce brought into the market and charges to be levied for the same;

(xiv) the preparation of the plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published as also the charges, if any, to be made for such audit;

(xvi) the preparation of an annual budget and its submission for sanction and reports and returns which shall be furnished by the market committee.

(xvii) the disposal of any surplus funds of the market committee;

(xviii) generally for the guidance of the market committee.

(3) Any such rules, may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall, on conviction by a magistrate, be punishable with fine which may extend to five hundred rupees.

(4) (*a*) All rules made under this Section shall be subject to previous application.

(*b*) Any rule, shall, however, be liable to be rescinded or modified, subject to previous publication.

7. *Bye-laws.*—Subject to any rules made by the Government under the last preceding Section and with the previous sanction of such officer as may be appointed by Government in this behalf the market committee may, in respect of the market under its management, make bye-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees.

8. *Sub-committees and Joint Committees and Delegation of Powers.*—The market committee may appoint three or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any

one or more of its members such of its own powers as may be necessary.

(9) (1) *Appointments and Salaries of Servants of the Market Committee.*—Subject to such rules as may be made by the Government in this behalf, the market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the committee thinks fit and shall have power to control and punish them. The committee may, in the case of any officer or servant of Government which it employs, pay such pension, contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this Section on the market committee shall be exercised, subject to any rules which may be made in this behalf by the Government.

10. (1) *Contracts how executed.*—Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

11. (1) *The Market Committee Fund.*—All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund, and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

(2) Every market committee shall pay to the Government, out of its fund, the cost of any special or additional staff employed by the Government, in consultation with the committee, for giving effect to the provisions of this Act, in the market concerned.

(3) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final.

12. *Purpose for which the Market Committee Fund may be expended.*—Subject to the provisions of Section 11, the market committee fund shall be expended for the following purposes only:—

(i) the maintenance and improvement of the market.

(ii) the construction and repair of buildings which are necessary for the purpose of such market and for the health, convenience and safety of the persons using it;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee;

(iv) the expenses of and incidental to election;

(v) the acquisition of a site or sites for the market;

(vi) the provision and maintenance of standard weights and measures;

(vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;

(viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural crops concerned, and

(ix) propaganda in favour of agricultural improvement and thrift.

13. *No Trade Allowance not recognised by Customs or Rules allowable.*—No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received by any person in any transaction in a market established under this Act and no civil court shall, in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

Explanation.—Every deduction other than deductions on account of deviation from sample when the purchase is made by reference to a sample, or on account of deviation from standard, when the purchase is made by reference to a known standard, or on accout of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

14. *Market Committee to be a Body Corporate.*—Every market committee shall be a body corporate by the name of the "The Market Committee of..... .... and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and do all other things necessary for the purpose for which it is established.

15. (1) *Power to Borrow.*—Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of Government.

16. (1) *Supersession of Market Committee.*—If in the opinion of Government a market committee is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act, or exceeds or abuses its powers, Government may, by an order published in the official Gazette, declare such market commiteee to be imcompetent, or in default, or to have exceeded or abused its powers, as the case may be and may supersede it.

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the market committee for showing cause

against the proposal and shall consider the explanations and objections, if any, of the said committee.

(2) When a market committee has been superseded, all members of the committee shall as from the date of the order vacate their offices as members.

(3) When a market committee has been superseded, the Government may, at their discretion, by order, either constitute a new committee under Section 5, or make such arrangements for the carrying out of the functions of the committee as the Government think fit.

(4) When a market committee has been superseded all property and rights vested in it shall, subject to all charges and liabilities affecting the same, vest in Government.

Provided that if the Government make an order under sub-section 3, they shall transfer the assets and liabilities of the market committee as on the date of such transfer, to the new committee constituted under Section 5 or to the person, or persons if any, appointed for carrying out the functions of the committee, as the case may be.

Provided further that if no new market committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market commitee shall vest in the local authority of the area in which the market is situated for the purpose of any object of public utility in the said area.

Any local authority to which any assets have been transferred under the latter proviso shall employ such assets for any object of public utility in the area within its jurisdiction.

17. *No Private Market to be opened in or near places declared to be Markets.*—Wherever the Government has, by a notification under Section 4, declared any place to be a market no person shall, within the limits of such market or within a distance thereof to be notified in the official Gazette in this behalf in each case by Government, except with the sanction in writing of the Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce as the case may be.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton or agricultural produce if he sells his own cotton or agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of cotton or agricultural produce.

18. *Penalties.*—Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce or violates the conditions under which he has been allowed to set up, establish, or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs. 500 and in case of a continuing breach of the provisions of Section 17, with fine which may extend to Rs. 100 for each day after the first, during which the breach continues.

19. *Offences to be triable only by a First Class Magistrate.*—(i) No offence under this Act or under any rule made under Sention 6 or under any bye-laws made under Section 7 shall be triable by a Magistrate other than a Magistrate of the First Class.

(ii) All fines and damages recovered from an offender shall be paid to the market committee.

(iii) Prosecutions under this Act may be instituted by any person duly authorised in writing by the market committee or by an officer designated by Government in this behalf.

Statement of objects and reasons.

Considering the disabilities under which the cultivator labours in selling his produce, the Royal Commission on Agriculture recommended the establishment of regulated markets as a most "hopeful solution of the cultivator's marketing difficulties." They considered that the establishment of regulated markets must form an essential part of any ordered plan of agricultural development in the country.

The facts elicited during the recent marketing surveys point to the same conclusion. These surveys have shown that owing to the prevalence of uneconomic and fraudulent practice in the marketing of agricultural produce, the

cultivator gets much less than his due share of the price paid by the ultimate consumer. The Marketing Officers' Conference held at Simla in September 1937 accordingly recommended legislation for the establishment of regulated markets in Provinces and States where such legislation had not already been introduced.

A similar recommendation has been made, with reference to cotton in the Chitaldrug District, by a Sub-Committee of the Board of Industries and Commerce in Mysore, which surveyed the conditions of cultivation and marketing of commercial crops in that District. It is believed that the cotton-growers and many of the merchants in cotton in the State also favour such legislation.

It is therefore proposed to introduce the accompanying Bill with a view to the establishment of regulated markets for cotton at Chitaldrug and Davangere, in the first instance. At the same time, the Bill is wide enough in its scope to admit of similar action being taken in other places and in respect of other agricultural produce (including dairy products) should the need and opportunity arise.

According to the Bill, Government may after consulting the local bodies concerned, declare any place as a market for specified agricultural produce. Subject to rules framed by Government, the market will be under the control of a committee in the composition of which the representatives of the growers as well as of the traders in the market will be represented. The Committee will be a body corporate administering the market fund and exercising the powers conferred upon it for regulating transactions, settling disputes, etc.

When a place has been declared as a market, no person may set up, continue or allow to be continued, any private market in the immediate vicinity of the regulated market except with the sanction of Government and on such terms as may be prescribed in such sanction. It is, however, to be noted that this will not preclude the grower of agricultural produce from selling or offering for sale such produce outside the premises of the market.

No. 990—L. C., Bangalore, dated the 22nd November 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Patents and Designs Act, 1925, is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Patents and Designs Act, 1925.

Whereas it is expedient to amend the Patents and Designs Act, 1925; it is hereby enacted as follows:—

1. This Act may be called the Mysore Patents and Designs (amendment) Act, 193 . Short Title.

2. In section 2 of the Mysore Patents and Designs Act, 1925, hereinafter referred to as the said Act,— Amendment of Section 2, Act III of 1925.

(*a*) for clause (4), the following clause shall be substituted, namely:—

"(4) 'design' means only the features of shape, configuration, pattern or ornament, applied to any article, by any industrial process or means whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device and does not include any trade mark as defined in section 478 or property mark as defined in section 479 of the Indian Penal Code as in force in Mysore."

(*b*) for clause (10) the following clause shall be substituted, namely:—

"(10) 'patentee' means the person for the time being entered on the register of patents kept under this Act as the grantee or proprietor of the patent,"

(c) in clause (12), after the words "proprietor of a new," the word "or" shall be substituted for the word "and."

Amendment of Section 5, Act III of 1925.

3. In section 5 of the said Act,—

(a) in sub-section (1),—

(i) in clause (b) the words "or relate to more than one invention" shall be omitted:

(ii) the following clause shall be inserted after clause (e), namely:—

"or (f) the specification relates to more than one invention;" and

(iii) at the end of section 5(1), the following proviso shall be inserted:—

"Provided that, when a specification comprises more than one invention, the application shall, if the controller or the applicant, so requires, be restricted to one invention and the other inventions may be made the subject-matter of fresh applications; and any such fresh application shall be proceeded with as a substantive application, but the controller may, in his discretion, direct that any such fresh application made before the acceptance of the original application, shall bear the date of the original application or such later date as he may fix, and the fresh application shall be deemed, for the purposes of this Act, to have been made on the date which it bears in accordance with such direction"; and

(b) in sub-section (4), the following proviso shall be substituted for the existing proviso, namely:—

"Provided that where, before or within three months after the expiration of the said period of twelve months a request is made to the controller for an extension of time by any period not exceeding three months, the application shall, on payment of the prescribed fee, be continued or revived, as the case may be, during but not beyond, the period of extension so requested."

Omission of Section 8, Act III of 1925.

4. Section 8 shall be omitted.

Amendment of Section 9, Act III of 1925.

5. In section 9 of the said Act, in sub-sections (1) and (2), for the words "three months" the words "four months" shall be substituted.

6. In section 10 of the said Act :— Amendment of Section 10, Act III of 1925.

(*a*) after sub-section (1) the following sub-section shall be inserted, namely :—

"(1-A) Notwithstanding anything contained in sub-section (1) where :

(*a*) an applicant has agreed in writing that on the grant to him of a patent he will assign it to another party or to a joint applicant and refuses to proceed with the application, or

(*b*) disputes arise between joint applicants as to proceeding with an application,

the controller, if he is satisfied of the existence of such agreement, or in any other case, that any joint applicant or applicants ought to be allowed to proceed alone, may direct that such other party or joint applicant or applicants may proceed with the application accordingly and may grant a patent to him or them as the case may be :

Provided that—

(i) the controller shall not give any such direction until every party interested has had an opportunity of being heard by him, and

(ii) an appeal from any such direction shall lie to the Government."

(*b*) in sub-section (2).—

(i) in clause (*b*) of the proviso, the words "or, by a reference under section 8" shall be omitted,

(ii) for clause (*d*) of the proviso, the following clause shall be substituted, namely :—

"(*d*) where for any reason a patent cannot be sealed within the period allowed by any of the foregoing provisions of this section, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to the extent applied for but not exceeding three months."

7. In the proviso to section 11 of the said Act, for the words "the publication of the specification" the words "the advertisement of the acceptance of the application" shall be substituted. Amendment of Section 11, Act III of 1925.

Amendment of section 13, Act III of 1925.

8. In section 13 of the said Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) where a patent has been revoked by the High Court on the ground that it has been obtained in fraud of the true and first inventor, or where the grant of a patent has been refused by the controller under section 9 on the ground stated in clause (a) of sub-section (1) of that section, the controller may, on the application of the true inventor or his legal representative or assignee made in accordance with the provisions of this Act, grant to him a patent for the whole or any part of the invention, and the patent so granted shall bear the same date as the patent so revoked or, in the case of a patent the grant of which has been refused, the same date as would have been borne by the patent if it has been granted :

Provided that no suit shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted."

Amendment of section 14, Act III of 1925.

9. In section 14 of the said Act,—

(*a*) in sub-section (1), for the words "fourteen years" the words "sixteen years" shall be substituted ;

(*b*) after sub-section (1), the following sub-sections shall be inserted, namely :—

"(1-A) Any patent, the original term of which had not expired on or before the first day of.... .....193 , shall have effect as if the term mentioned therein was sixteen years instead of fourteen years, and any licence existing at that date which has been granted for the term of the patent shall be treated as having been granted for the term as so extended if the licensee so desires.

(1-B) Where any party to a contract with the patentee or any other person entered into before the first day of .....193 , is subjected to loss or liability by reason of the extension of the term of any patent under this section, any District Court having jurisdiction, may determine in what manner and by which parties such loss or liability shall be borne."

(c) for the proviso in sub-section (2), the following proviso shall be substituted, namely :—

"Provided that where the patentee, before, or within three months after the expiration of the time for payment, applies to the controller for an extension of time by any period not exceeding three months, the patent shall, on payment of such additional fee as may be prescribed, be continued or revived, as the case may be, during, but not beyond, the period of extension applied for."

Amendment of Section 15, Act III of 1925.

10. In section 15 of the said Act—

(a) in sub-section (1),—

(i) the words "after advertising in the prescribed manner his intention to do so" shall be omitted, and

(ii) after the words "prescribed fee," the words "and must be advertised by the patentee within the prescribed time and in the prescribed manner" shall be added;

(b) in sub-section (2), after the word "may" and before the words "give notice," the words "within such time as may be prescribed and on payment of the prescribed fee" shall be inserted;

(c) in sub-section (6), for the words "seven" and "fourteen," the words "five" and "ten" shall be substituted.

Insertion of new section 15-A in Act III of 1925.

11. After section 15, the following section shall be inserted, namely:—

"15-A. (1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement in or modification of the invention, he may in his application for the further patent request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired, and if he does so, a patent (hereinafter referred to as a patent of addition) may be granted for such term as aforesaid.

(2) Save as otherwise expressly provided by this Act, a patent of addition shall remain in force as long as the patent for the original invention remains in force, but

no longer, and in respect of a patent of addition no fees shall be payable for renewal:

Provided that if the patent for the original invention is revoked, then the patent of addition shall, if the authority by which it is revoked so orders, become an independent patent, and the fees payable, and the dates when they become payable, shall be determined by its date, but its duration shall not exceed the unexpired term of the patent for the original invention;

(3) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent."

Amendment of Section 18, Act III of 1925.

12. In section 18 of the said Act, after the word "disclaimer" and before the words "in such manner," the words "correction or explanation" shall be inserted.

Amendment of Section 19, Act III of 1925.

13. In section 19 of the said Act, for the words "before the disclaimer, correction or explanation," the words "before the date of the decision allowing the amendment" shall be substituted.

Amendment of Section 20, Act III of 1925.

14. In sub-section (4) of section 20 of the said Act, the words beginning with "and, unless" and ending with "affecting a patent" shall be omitted.

Substitution of new section for Section 21, Act III of 1925.

15. For section 21 of the said Act, the following sections shall be substituted, namely :—

"21 (1) subject to the other provisions of this section, a patent shall have to all intents the like effect as against the Government of Mysore as it has against a subject.

(2) The officers or authorities administering any department of the service of the Government of Mysore may, by themselves or by such of their agents, contractors or others as may be authorised in writing by them, at any time after the application, and after giving notice to the applicant or patentee, make, use or exercise the invention for the service of the Government on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Government, between such officers or authorities and the applicant or patentee, or in default of agreement as may be settled in the manner hereinafter provided. And the terms of any agreement or licence concluded between the applicant or patentee and any

person other than such officers or authorities, shall be inoperative as far as concerns the making, use or exercise of the invention for the service of the Government.

(3) Where an invention which is the subject of any patent has, before the date of the patent, been duly recorded in a document by, or tried by or on behalf of, the officers or authorities administering any department of the service of the Government (such invention not having been communicated directly or indirectly by the applicant or patentee) such officers or authorities, or such of their agents, contractors or others, as may be authorised in writing by them, may, after giving notice to the applicant or patentee, make, use or exercise the invention so recorded or tried for the service of the Government, free of any royalty or other payment to the applicant or patentee, notwithstanding the existence of the patent. If, in the opinion of such officers or authorities, the disclosure to the applicant or patentee as the case may be, of the document recording the invention or the evidence of the trial thereof, if required, would be detrimental to the public interest, it may be made confidentially to counsel on behalf of the applicant or patentee, or to any independent expert mutually agreed upon.

(4) In the event of any dispute as to the making, use or exercise of an invention under this section, or the terms therefor, or as to the existence or scope of any record or trial as aforesaid, the matter shall be referred to the High Court for decision, who shall have power to refer the whole matter or any question or issue of fact arising thereon to be tried before a special or official referee or an arbitrator upon such terms as it may direct. The Court, referee or arbitrator, as the case may be, may, with the consent of the parties, take into consideration the validity of the patent for the purposes only of the reference and for the determination of the issues between the applicant or patentee and such officers or authorities. The Court, referee or arbitrator, further, in settling the terms as aforesaid, shall be entitled to take into consideration any benefit or compensation which the applicant or patentee, or any other person interested in the patent, may have received directly or indirectly from the Government or from such officers or authorities in respect of such patent:

Provided that, if the inventor or patentee is a Government servant and the subject matter of the invention is certified by the Government, to be connected with work done in the course of such service, any such dispute shall be settled by the Government after hearing the applicant or patentee and any other person having an interest in the invention or patent.

(5) The right to use an invention for the services of the Government under the provisions of this section, or any provisions for which this section is substituted, shall include and shall be deemed always to have included, the power to sell any articles made in pursuance of such right which are no longer required for the services of the Government.

(6) Nothing in this section shall affect the right of the Government or of any person deriving title directly or indirectly from the Government to sell or use any articles forfeited under any law for the time being in force relating to excise."

Amendment of Section 22, Act III of 1925.

16. In section 22 of the said Act.—

(*a*) in sub-section (1) for the words beginning with "reasonable requirements" and ending with the words "satisfied" the words "the demand for a patented article in Mysore is not being met to an adequate extent and on reasonable terms" shall be snbstituted;

(*b*) in sub-section (4),—

(i) for the words beginning with "the reasonable requirements" and ending with "not been satisfied," the words "the demand for the patented article in Mysore is not being met to an adequate extent and on reasonable terms" shall be substituted; and

(ii) for the words "the reasonable requirements of the public will not be satisfied" the words "the demand will not be adequately met" shall be substituted;

(*c*) in sub-section (5),—

(i) for the words "the reasonable requirements of the public shall not be deemed to have been satisfied" the words "the demand for a patented article shall not be deemed to have been met to an adequate extent and on reasonable terms" shall be substituted;

(ii) in clause (a) the words beginning with " or the demand " and ending with " reasonably met " shall be omitted; and

(iii) in clause (b) the words " before or after the commencement of this Act " shall be omitted;

(*d*) sub-section (6) shall be omitted.

17. In section 23 of the said Act,—

(*a*) in sub-section (1), for the words " for the revocation of the patent " the words " for relief under this section " shall be substituted; and

Amendment of Section 23, Act III of 1925.

(*b*) in sub-section (2)—

(i) after the words " an order " and before the word " revoking " the letter and bracket "(a)" shall be inserted; and

(ii) after clause (ii) the following shall be added, namely :—

(*b*) " or ordering the patentee to grant a licence to the applicant which may be a licence exclusive to him or otherwise as the Government may direct."

18. After section 23 of the said Act, the following section shall be inserted, namely :—

Insertion of new Section 23 A in Act III of 1925.

" 23A. An order of the High Court under Section 22 or of the Government under Section 22 or Section 23 directing the grant of any licence shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and executed by the patentee and all other necessary parties."

Operation of order under Section 22 or Section 23.

19. In clause (g) of sub-section (1) of section 26 of the said Act, before the words " a part " wherever they occur, the words " the whole or " shall be inserted.

Amendment of Section 26, Act III of 1925.

20. In sub-section (1) of Section 34 of the said Act, for the words " either of " the word " all " shall be substituted.

Amendment of Section 34, Act III of 1925.

21. After section 34 of the said Act, the following section shall be inserted, namely :—

Insertion of new Section 34A in Act III of 1925.

" 34A. Notwithstanding anything contained in Section 19, if the Court in any action for infringement of a patent finds that any one or more of the claims in the specification in respect of which the infringement is alleged are valid, it may, subject to its discretion as to costs and as to the date from which damages should be reckoned

Grant of relief in respect of particular claims.

and to such terms as to amendment as it may deem desirable, grant relief in respect of any of such claims which are infringed without regard to the invalidity of any other claim in the specification. In exercising such discretion the Court may take into consideration the conduct of the parties in inserting such invalid claims in the specification or permitting them to remain there."

Amendment of Section 35, Act III of 1925.

22. In section 35 of the said Act,

(i) for the words "to be the patentee of an invention" the words "to have an interest in a patent" shall be substituted :—

(ii) for the words "any legal rights of the person making such threats" the words "the patent" shall be substituted, and

(iii) in the proviso, for the words beginning with "if the person" and ending with the words "this patent" the words "if an action for infringement of the patent is commenced and prosecuted with due diligence" shall be substituted.

Amendment of Section 41, Act III of 1925.

23. In section 41 of the said Act,

(i) in clause (a) for the word "and" the word "or" shall be substituted,

(ii) after clause (b) the following proviso shall be added, namely,

"Provided that such subsequent registration shall not extend the period of copyright in the design beyond that arising from previous registration."

Insertion of new Sections 48A and 48B, in Act III of 1925.

24. After section 48 of the said Act, the following sections shall be inserted, namely :—

Cancellation of Registration.

"48A. (1) Any person interested may present a petition for the cancellation of the registration of a design—

(*a*) at any time after the registration of the design to the High Court on any of the following grounds, namely :—

(i) that the design has been previously registered in Mysore; or

(ii) that it has been published in Mysore prior to the date of registration; or

(iii) that the design is not a new or original design; or

(*b*) within one year from the date of the registration, to the Controller on either of the grounds specified in sub-clauses (i) and (ii) of clause (*a*).

(2) An appeal shall lie from any order of the Controller under this Section to the High Court, and the Controller may at any time refer any such petition to the High Court, and the High Court shall decide any petition so referred.

Registration of design to bind the Government.

48B. The provisions of section 21 shall apply to registered designs as if those provisions were re-enacted herein and in terms made applicable to registered designs."

Amendment of Section 59, Act III of 1925

25. Clause (*b*) of section 59 of the said Act shall be omitted.

Substitution of new section for Section 60, Act III of 1925.

26. For section 60 of the said Act, the following section shall be substituted namely:—

"60. (1) Where a person becomes entitled by assignment, transmission or other operation of law to a patent or to the copyright in a registered design, he may make application to the Controller to register his title, and the Controller shall, on receipt of such application and on proof of title to his satisfaction, register him as the proprietor of such patent or design, and shall cause an entry to be made in the prescribed manner in the register of the assignment, transmission or other instrument affecting the title.

(2) Where any person becomes entitled as mortgagee, licensee or otherwise to any interest in a patent or registered design he may make application to the Controller to register his title, and the Controller shall, on receipt of such application and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be, with particulars of the instrument, if any, creating such interest.

(3) The person registered as the proprietor of a patent or design, shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment, license or dealing:

Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other moveable property.

(4) Except in the case of an application made under section 61, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of sub-sections (1) and (2) shall not be admitted in evidence in any court in proof of the title to a patent or to copyright in a design or to any interest therein, unless the Court, for reasons to be recorded in writing, otherwise directs."

Amendment of Section 61, Act III of 1925.

27. In section 61 of the said Act

(*a*) in sub-section (1) for the words "The High Court" the words "The Controller" and for the words "as it may think fit" the words "as he thinks fit" shall be substituted;

(*b*) in sub-section (2) for the word "Court" the word "Controller" shall be substituted;

(*c*) for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) An appeal shall lie to the High Court from any order of the Controller under this section; and the Controller may refer any application under this section to the High Court for decision, and the High Court shall dispose of any application so referred"

and (*d*) after sub-section (4) the following sub-section shall be inserted, namely:—

"(5) Nothing in this section shall be deemed to empower the Controller—

(*a*) to rectify the register of patents, or to decide any question relating to a patent, otherwise than for the purpose of correcting a mistake of fact apparent from a reference either to the patent itself or to some order of a competent authority made under any other provision of this Act, or

(*b*) to make any such order cancelling the registration of a design, as is provided for in section 48 A".

Amendment of Section 66, Act III of 1925.

28. Section 66 of the said Act shall be re-numbered as sub-section (1) of that section and to that sub-section as so re-numbered that following sub-section shall be added, namely:—

"(2) An appeal shall lie to the Government from an order of the Controller under this section."

29. In sub-sections (1) and (2) of section 67 of the said Act, for the word "two" the word "three" shall be substituted. Amendment of Section 67, Act III of 1925.

30. After section 70 of the said Act, the following section shall be inserted namely :— Insertion of new section 70A in Act III of 1925.

"70-A. *Security for costs.*—Where a person giving notice of any opposition under this Act or giving notice to the Court of Appeal from any decision of the Controller under this Act, neither resides nor carries on business in Mysore, the Controller or the Court, as the case may be, may require such person to give security for the payment of all costs incurred and likely to be incurred in the proceedings or appeal, as the case may be, and, in default of such security being given, may disallow the opposition or dismiss the appeal".

31. In section 75 of the said Act.— Amendment of Section 75, Act III of 1925.

(*a*) in sub-section (1) after the words "the other State" and before the words "shall be entitled" the words "or his legal representative or assignee" shall be inserted;

(*b*) in proviso (*a*) to sub-section (1) for the word "four" the word "six" shall be substituted.

The following schedule shall be substituted for the schedule to the said Act :— Substitution of a new schedule for the existing schedule to Act III of 1925.

The Schedule.

(See Section 54)

Fees.	Rs.
On application for a patent ...	10
Before sealing a patent ...	30
Before the expiration of the 4th year from the date of the patent	50
Before the expiration of the 5th year from the date of the patent	50
Before the expiration of the 6th year from the date of the patent	50
Before the expiration of the 7th year from the date of the patent	50
Before the expiration of the 8th year from the date of the patent	100
Before the expiration of the 9th year from the date of the patent	100
Before the expiration of the 10th year from the date of the patent	100

Fees.	Rs.
Before the expiration of the 11th year from the date of the patent	100
Before the expiration of the 12th year from the date of the patent	150
Before the expiration of the 13th year from the date of the patent	150
Before the expiration of the 14th year from the date of the patent	150
Before the expiration of the 15th year from the date of the patent	150
Provided that fees for two or more years may be paid in advance.	
On application to extend the term of a patent ...	50
Before the expiration of each year of the extended term of a patent or of a new patent granted under section 15	150
On application for registration of a design ...	3

Statement of objects and reasons.

The Mysore Inventions and Designs Act, III of 1925 was based on the Indian Patents and Designs Act, II of 1911. The Indian Patents and Designs Act, II of 1911 has been since amended in 1920, 1923, 1927 and 1930 to suit the changed conditions of the industrial development of the country. It is necessary to bring the Mysore Act into line with the British Indian Act. According to British Indian Act, the term of a Patent which was 14 years prior to 1930 has since been extended to 16 years. As a result, the renewal fees have been enhanced and the schedule of fees has been suitably amended. It is desirable to adopt the same scale of fees in Mysore also. Section 78A of the Indian Patents and Designs Act of 1911, as amended by Act VII of 1930, admits of reciprocal arrangements being made with Indian States and recognises the rights of the legal representatives and assignees of the British Indian applicants to claim priority. Section 75 of the Mysore Act relating to reciprocal arrangements has to be similarly amended.

The amendments proposed are with a view to bring the Mysore Act into conformity with the British Indian Act.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 48.

BANGALORE, THURSDAY, DECEMBER 8, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1631—*R. T.* 7-38-7, *dated Bangalore, 30th November* 1938.

The following draft rule which the Government propose to make, in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, is hereby published for the information of persons likely to be affected thereby and any suggestions or objections received on or before 15th December 1938, in respect of the said draft, will be considered by Government, before issuing the rule finally:—

DRAFT RULE.

Add the following between Rule 41 (ii) and (iii) as Rule 41 (ii) (*a*) of the Rules regarding public service motor vehicles as amended from time to time:—

"41 (ii) (*a*). Upon sufficient cause being shown, a duplicate conductor's pass may be issued at any time on

payment of a fee of four annas. The word 'Duplicate' should be clearly shown in red ink across a duplicate pass, and a photograph of the conductor should be attached thereto, as provided in the previous sub-rule."

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

No. G. 5400—*P. H.* 73-37-7, *dated Bangalore,*
1*st December* 1938.

Under Section 20 of the Mysore Registration of Births and Deaths Act, III of 1918, Government are pleased to issue the following rules for the working of the said Act in the rural areas of Bangalore and Shimoga Districts.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

Rules under the Mysore Births and Deaths Registration Act, III of 1918.

Registrar-General of Births and Deaths.

1. In these rules, the Registrar-General of Births and Deaths means the Director of Public Health to the Government of Mysore for the time being.

Particulars regarding dead bodies found exposed to be reported by the Police.

2. In cases of the discovery of dead bodies, whether of newly born children or otherwise, it shall be the duty of the Police Station Officer within whose jurisdiction any such body is found, to report to the Registrar such particulars as are available for the purpose of the entries to be made in the register of deaths, as well as, in the case of the bodies of newly born children, in the register of births.

3. In case the Registrar is unable, for more than a week, to attend to his duties on account of illness or other urgent cause, he shall report the fact to the Amildar (Deputy Amildar) who shall at once make temporary arrangements for the performance of the duties of the Registrar, and any person thus temporarily appointed shall be held to be the Registrar for the purpose of the Act and of these rules. The Amildar (Deputy Amildar) shall report the arrangements made to the Deputy Commissioner and to the Registrar-General of Births and Deaths.

Temporary arrangements during illness or absence of the Registrar.

4. The Register of Births shall be maintained in Form No. V. S. 1 (*a*) and the Register of Deaths in Form No. V. S. (2) (*a*) appended in original and duplicate.

Forms of Birth and Death Registers to be maintained in original and duplicate.

5. In each of these registers, the occurrences registered should be numbered serially, the series of numbers running from 1st January to 31 December for each year. No entry should be interpolated between two serial numbers.

Entries to be numbered serially for each year.

6. All information received by the Registrar in writing in connection with the registration of any birth or death shall be filed by him and preserved for two years.

Written information received by the Registrar to be preserved for two years.

7. Still-births, which are not included in the statistics either of births or of deaths, should be entered in the special column provided for the same in the Register of Births.

Entries in respect of children born dead.

8. In the case of a child which is born alive, but dies before its birth has been registered, the Registrar shall enter the birth in the Register of Births and the death in the Register of Deaths.

Entries in respect of children born alive which die before the birth is registered.

9. Each register shall consist of 48 sheets—24 original and 24 duplicate—and shall be used continuously for a period of two years. The Superintendent, Government Printing, will print these registers on thick paper and with thick covers and issue them direct to the Amildars (Deputy Amildars) for distribution to the Registrars concerned, so as to reach them at least by the end of November of each alternate year.

Registers to be renewed once in two years. Registers to be sent by the Superintendent, Government Printing, direct to Amildars for distribution to Registrars.

Duplicates to be sent monthly to the Amildars on or before the 5th of each month.

10. The duplicate pages which have been written up during every month shall be detached at the perforation and sent by the Registrar to the Amildar (Deputy Amildar) so as to reach him on or before the 5th day of the month following the entry.

If during any month, no births or deaths have occurred, the duplicate form should be sent with the remark "Nil" written thereon.

The Amildar to collect returns from all the villages in his jurisdiction and forward them to the Registrar-General so as to reach him on or before the 8th of each month. Late returns to be forwarded on or before the 18th of the month.

On receipt of these returns, the Amildar (Deputy Amildar), after scrutinizing them carefully, should have them arranged in the order of villages as given in the Census Report and forward them in a bundle to the Registrar-General so as to reach him on or before the 8th of each month. When, however, some returns are not received on the due dates, reminders should immediately be sent to the defaulting Registrars and after obtaining these returns, all such late returns should be forwarded in a second batch so as to reach the Registrar-General on or before the 18th of the month.

Check by Amildar of regular receipt of returns.

11. A set of posting registers showing the Hobli and Village numbers will be maintained in the office of the Amildar (Deputy Amildar) in which the returns received will be posted as they come in. When these registers show that returns have not been received from any village by the 8th of the month, a reminder will be sent to the Registrar concerned.

The Amildar (Deputy Amildar) will initiate disciplinary action against Registrars who are frequently in default.

Process of sorting and abstracting in the Central Statistical Office.

12. The returns received in the Central Statistical Office will be abstracted and posted into registers for purposes of compilation.

Filing of returns permanently.

13. As soon as the required information has been abstracted and posted, the returns for each month will be filed in racks. At the close of each year, the returns will be transferred to record. These returns will be retained as permanent records.

Reviews to be published monthly and quarterly.

14. The statistics so abstracted will be published for the information of the authorities concerned and of the public, with a review of the same, monthly and quarterly.

15. Each register of originals shall be retained in the custody of the Registrar for two years after it is closed and shall then be sent to the Amildar (Deputy Amildar) who, after careful scrutiny of all unattested erasures and alterations, shall file it as a permanent record.

The original registers to be finally deposited in the Office of Amildar.

16. It shall be the duty of the Registrar to produce his register of births before the midwife and the vaccinator whenever they visit the village, and of the midwife and the vaccinator, respectively, to enter their initials, with such remarks as may be called for, against the cases in which they have attended at the birth of a child, or vaccinated it, as the case may be.

Entries to be made in the birth registers by midwives and vaccinators.

17. It shall be the duty of the Registrar to produce his registers of births and deaths with all connected registers and records, before any inspecting officer of any department who visits the village. It shall be the duty of every such inspecting officer, provided time permits, to see that the books are kept up-to-date and to check the correctness of the entries by enquiring into the facts of one or two selected cases and to enter his initials with date against all entries tested by him.

Inspection of registers.

18. The Revenue Inspector and the Amildar (Deputy Amildar) shall constantly inspect the registers of births and deaths, enquire in the villages what births and deaths have recently taken place, compare the registers to see if all are entered, supply omissions, instruct the Registrars as to the discharge of their duties, and exercise a general supervision over the work of the Registrars. The registers shall be checked at least once in two months by the Revenue Inspector, and the entries verified should bear the initials of the checking officer with date of check.

The Revenue Inspector and the Amildar to exercise supervision over Registrars.

19. Every error found in the Register of births or in the Register of deaths shall be corrected by drawing a line through the original entry (but not so as to render it illegible) and writing the new entry above it, and the correction shall be fully signed and dated by the Registrar, if the error be discovered by him, and by both the Registrar and the checking officer, if the error be discovered by a checking officer. All such corrections shall be duly intimated to the Registrar-General through the Amildar (Deputy Amildar) with the reasons therefore. The correc-

Errors.

tions, when approved by the Registrar-General will be made in the duplicate returns filed in the Central Statistical Office, and due intimation will be given to the Amildars for intimating the Registrars concerned :

Provided that no entry shall be corrected under this rule more than a year after the entry has been made except with the previous sanction of the Assistant Commissioner in charge of the Sub-Division.

When Registrar to give extract free of charge

20. Section 14 of the Act provides that "the "Registrar shall, as soon as the registration of the birth "of a child has been completed, give, on application, free "of all charge, to the person who gives information of the "birth, an extract under his hand from the register relating to such birth." For purposes of this rule, the register will be the register of originals kept by the Registrar.

Search of Birth and Death Registers.

21. Section 17 of the Act provides "that any person "may at all reasonable times, on payment of a fee of four "annas for each visit, search any register of births and deaths." For purposes of this rule, the register of births and deaths will be the returns sent monthly by the Registrar through the Amildar (Deputy Amildar) to the Registrar-General and filed in the Central Statistical Office, or in the case of occurrences prior to the coming into force of these rules, the registers filed in the office of the Amildar (Deputy Amildar).

Issue of Birth and Death Certificates in cases registered under the new system.

22. Section 17 of the Act further provides that, on payment of the required fees, extracts shall be given from the registers of births and deaths and that all extracts given under this section shall be certified as provided in Section 76 of the "Indian Evidence Act of 1872 and may "be produced in proof of the entries of which they purport "to be copies."

Any person requiring a certificate under this section may put in an application, affixing a one-anna court-fee stamp, and enclose an eight-anna court-fee stamp to be affixed to the certificate.

The application should state clearly—

(i) The name and father's name of the party in relation to whose birth or death the certificate is required.

(ii) The date, month and year of the occurrence.

(iii) The name of the hobli and the village where the event occurred, and

(iv) The postal address of the applicant for copy.

The application may be addressed either to the Registrar-General or to the Amildar (Deputy Amildar), who will forward it to the Registrar-General. On receipt of such an application, the Registrar-General will cause the duplicate return relating to the occurrence to be traced and a true copy of the same to be issued over his signature and sent to the Amildar (Deputy Amildar) to be given to the party concerned. Such extracts shall be certified as provided in Section 76 of the Indian Evidence Act, 1872, and may be produced in proof of the entries of which they purport to be copies.

—In cases registered under the old system.

The above rule will be applicable only to occurrences taking place after these rules have come into force. In regard to occurrences prior to that date, the old rule will continue as follows:—

"The Registrar shall give a certified extract from "the registers kept by him under Section 17 of the Act. "If he is not in possession of the registers, the Amildar or "the Deputy Amildar, as the case may be, in whose custody "such registers are kept, shall give and certify extracts "therefrom under Section 17 of the Act."

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MONTHLY
ಮಾಹೇವಾರಿ

Registrar-General of Births and Deaths. Original
ಒರಿಜಿನರ್

Month

Year

Village } ..... Hobli } .....
ಗ್ರಾಮ ಹೋಬಳಿ

Annual No. ವರ್ಷದ ನಂಬರು	Date of Registration ರಾಜರ್ಸ್ಟ್ರಿಡ ತಾರೀಖು	Date of Birth of child ಮಗು ಹುಟ್ಟಿದ ತಾರೀಖು	Birth ಜನನ		Sex ಗಂಡೋ, ಹೆಣ್ಣೋ	Name of child ಮಗುವಿನ ಹೆಸರು	Name of father ತಂದೆಯ ಹೆಸರು
			Born alive ಜೀವನಹಿತ ಹುಟ್ಟಿದ್ದು	Born dead ಸತ್ತು ಹುಟ್ಟಿದ್ದು			
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							

NOTE.—Please read instructions given below in filling up the columns in the
ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ಅಂಶಗಳನ್ನು ಗಮನಿಸಿ ಆ ಬಳಿಕ ಬರಿಯಬೇಕು.

Plural Births.—Particulars of plural births should be entered separately
ಅವಳಿ ಜವಳಿ ಮಕ್ಕಳಾದರೆ ವಿವರಗಳನ್ನು ಪ್ರತಿಯೊಂದು ಮಗುವಿಗೂ ಬೇರೆಬೇರೆಯಾಗಿ ಬರೆದು ಬ್ರಾಕೆ

Occupation of Mother.—Farmer, Trader, Labourer, Housewife, Official,
ತಾಯಿಯ ಉದ್ಯೋಗ.—ಕೃಷಿ, ವ್ಯಾಪಾರ, ಕೂಲಿ, ಮನೆಕೆಲಸ, ಸರ್ಕಾರಿ ಉದ್ಯೋಗ, ವಿದ್ಯಾರ್ಥಿ,

Community of Mother.—Lingayet, Vokkaliga, Vaisya, Kshatriya, Brah-
ತಾಯಿಯ ಜಾತಿ.—ಲಿಂಗಾಯಿತರು, ಒಕ್ಕಲಿಗರು, ವೈಶ್ಯರು, ಕ್ಷತ್ರಿಯರು, ಬ್ರಾಹ್ಮಣರು, ಆದಿಕರ್ಣಾಟ

Even if a child dies within an hour after birth, it should be reported as a
ಮಗು ಹುಟ್ಟಿದ ಒಂದು ಘಂಟೆಯೊಳಗಾಗಿ ಸತ್ತರೂ, ಹುಟ್ಟಿದ ವಿಚಾರವನ್ನು ಈ ರಿಜಿಸ್ಟರಿನಲ್ಲಿಯೂ, ಸತ

Signature of Patel } .....
ಪಟೇಲರ ರುಜು

Name of Village } .....
ಗ್ರಾಮದ ಹೆಸರು

RTH REPORT.

ನನದ ರಿಪೋರ್ಟ್.

Central Statistical Office

For the Month of.....193 .

193 ನೇ.....ತಿಂಗಳಿಗೆ.

Taluk } ..... District } .....
ತಾಲ್ಲೂಕು } ..... ಡಿಸ್ಟ್ರಿಕ್ಟು } .....

V. S. No. 1(*a*)

Particulars of Mother
ತಾಯಿಯ ವಿಚಾರವಾಗಿ

Name ತಾಯಿಯ ಹೆಸರು	Age ತಾಯಿಯ ವಯಸ್ಸು	Occupation ತಾಯಿಯ ಉದ್ಯೋಗ	Permanent residence ತಾಯಿಯ ಖಾಯಂ ವಾಸಸ್ಥಳ	Community ತಾಯಿಯ ಜಾತಿ	Order of Birth ಎಷ್ಟನೇ ಹೆರಿಗೆ	No. of living children including this child ಇದೂ ನೇರಿ ಬದುಕಿರುವ ಮಕ್ಕಳ ಸಂಖ್ಯೆ	Initials of Checking Officer with remarks ತನಿಖೆ ಮಾಡಿದವರ ಕೈಸಹಿ ಮತ್ತು ರುಜು ಮತ್ತು ಷರಾ

Monthly Birth Report.—

for each child with a bracket ( ).
ಟ್ಟನ್ನು ( ) ಹಾಕಬೇಕು.

Student, Beggar, etc.
ಬಿಕ್ಷ, ಈ ರೀತಿಯಾಗಿ.

min, Adikarnataka, Musalman, Jain, Christian, European, etc.
ಕರು, ಮುಸಲ್ಮಾನರು, ಜೈನರು, ಕ್ರೈಸ್ತರು, ಯೂರೋಪಿಯನರು, ಈ ರೀತಿಯಾಗಿ.

b[illegible]h in this Monthly Birth Report and as a death in the Monthly Death Report.
ವಿಚಾರವನ್ನು ಮರಣದ ರಿಜಿಸ್ಟರಿನಲ್ಲಿಯೂ ದಾಖಲ್ಮಾಡಬೇಕು.

Date on which this Monthly Birth Report was sent to Taluk Office.
ಈ ರಿಪೋರ್ಟನ್ನು ತಾಲ್ಲೂಕು ಆಫೀಸಿಗೆ ಕಳುಹಿಸಿದ ತಾರೀಖು } .....

To—The Registrar-General of Births and Deaths through the Amildar of the Taluk.

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MONTH
ಮಾಹೇವ

Registrar-General of Births and Deaths
Month
Year

Original
ಒರಿಜನಲ್

Village } .....
ಗ್ರಾಮ }

Hobli } .....
ಹೋಬಳಿ }

Annual No. ವರ್ಷದ ನಂ.	Date of Registration ದಾಖಲಾದ ತಾರೀಖು	Date of Death ಮೃತಪಟ್ಟ ತಾರೀಖು	Name of the deceased ಮೃತಪಟ್ಟವರ ಹೆಸರು	Name of Father and Mother ತಂದೆಯ ಮತ್ತು ತಾಯಿಯ ಹೆಸರು	Particulars of the deceased ಮೃತಪಟ್ಟವರ ವಿಚಾರವಾಗಿ						Causes ಯಾವ ಕಾರಣ						
					Permanent Residence ಖಾಯಂ ವಾಸದ ಸ್ಥಳ	Occupation ಉದ್ಯೋಗ	Community ಜಾತಿ	Age ವಯಸ್ಸು	Sex ಗಂಡೋ, ಹೆಣ್ಣೋ	Conjugal condition ಮದುವೆ ವಿಚಾರ	Plague ಪ್ಲೇಗ್	Small-pox ಸಿಡುಬು	Cholera ವಾಂತಿ ಭೇದಿ (ಕಾಲರಾ)	Malaria ಥಳಿ ಜ್ವರ	Typhoid ವಿಷಮಶೀತ ಜ್ವರ	Other Fevers ಇತರ ಜ್ವರಗಳು	Dysentery and Diarrhoea ಅಮಶಂಕಿ ಮತ್ತು ಭೇದಿ
1																	
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NOTE.—Please read instructions given below in filling up the columns in the
ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ಅಂಶಗಳನ್ನು ಗಮನಿಸಿ ಆ ಬಳಿಕ ಬರೆಯಬೇಕು :—

Occupation.—Farmer, Landholder, Trader, Skilled-worker, Labourer,
ಉದ್ಯೋಗ.—ಕೃಷಿ, ಜಮೀನು, ವ್ಯಾಪಾರ, ಕೈಗಾರಿಕೆ ಕೆಲಸ, ಕೂಲಿ, ಗಾಡಿ ಹೊಡೆಯುವುದು,

Community.—Lingayet, Vokkaliga, Vaisya, Kshatriya, Brahmin, Adi-
ಜಾತಿ.—ಲಿಂಗಾಯಿತರು, ಒಕ್ಕಲಿಗರು, ವೈಶ್ಯರು, ಕ್ಷತ್ರಿಯರು, ಬ್ರಾಹ್ಮಣರು, ಆದಿಕರ್ಣಾಟಕರು,

Age.—In the case of a child under one year, give the age in months
ವಯಸ್ಸು.—ಒಂದು ವರುಷಕ್ಕಿಂತ ಕಡಮೆಯಾದರೆ ಎಷ್ಟು ತಿಂಗಳು ಎಂಬುದನ್ನು ಬರೆಯಬೇಕು

Conjugal Condition.—Single, Married, Widowed, Divorced.
ಮದುವೆ ವಿಚಾರ.—ಮದುವೆ ಆಗಿಲ್ಲ, ಮದುವೆ ಆಗಿದೆ, ಗಂಡ ಅಥವಾ ಹೆಂಡತಿ ಸತ್ತವರು, ಗಂಡ

Child-birth (Maternal Death).—Means the death of the mother occur-
ಹೆರಿಗೆ.—ಹೆರಿಗೆಯಲ್ಲಿ ಅಥವ ಹೆರಿಗೆಯಾಗಿ 14 ದಿನಗಳಲ್ಲಿ ತಾಯಿ ಮೃತವಾದರೆ ಹೆರಿಗೆಯಿಂದ

Even if a child dies within an hour after birth, it should be reported as
ಮಗು ಹುಟ್ಟಿದ ಒಂದು ಗಂಟೆಯೊಳಗಾಗಿ ಸತ್ತರೂ, ಸತ್ತ ವಿಚಾರವನ್ನು ಈ ರಿಜಿಸ್ಟರಿನಲ್ಲಿಯೂ,

Signature of Patel } .....
ಪಟೇಲರ ರುಜು }

Name of Village } ....
ಗ್ರಾಮದ ಹೆಸರು }

DEATH REPORT.
ಮರಣದ ರಿಪೋರ್ಟು.

Central Statistical Office.
V. S. No. 2 (*a*)

Taluk - } .....
ತಾಲ್ಲೂಕು }

District } .....
ಡಿಸ್ಟ್ರಿಕ್ಟು }

of Death
ದಿಂದ ಸತ್ತದ್ದು

Respiratory Diseases ಶ್ವಾಸಕೋಶಗಳ ರೋಗಗಳು	Consumption ಕ್ಷಯ	Leprosy ಕುಷ್ಠರೋಗ	Child-birth (Maternal Death) ಹೆರಿಗೆ	Suicide ಆತ್ಮಹತ್ಯೆ	Drowning ನೀರಿನಲ್ಲಿ ಸತ್ತದ್ದು	Wounds and Accidents ಘಾಯ ಮತ್ತು ಅನಾಹುತಗಳು	Killed by Wild Beasts ಮೃಗಗಳಿಂದ ಮರಣ	Snake-bite ಹಾವು ಕಚ್ಚಿದ್ದು	Rabies ಹುಚ್ಚುನಾಯಿ ಕಚ್ಚಿದ್ದು	If other causes, state the cause ಇತರ ಕಾರಣಗಳಾದರೆ ಅದು ಯಾವುದು ಎಂಬುದನ್ನು ಬರೆಯಬೇಕು	Initials of Checking Officer with remarks ತನಿಖೆ ಮಾಡಿದವರ ರುಜು ಮತ್ತು ಷರಾ

Monthly Death Report :—

Cartman, House wife, Official, Student, Beggar, etc.
ಮನೆ ಕೆಲಸ, ಸರ್ಕಾರಿ ಉದ್ಯೋಗ, ವಿದ್ಯಾರ್ಥಿ, ಬಿಕ್ಷ, ಈ ರೀತಿಯಾಗಿ.

karnataka, Musalman, Jain, Christian, European, etc.
ಮುಸಲ್ಮಾನರು, ಜೈನರು, ಕ್ರಿಸ್ತರು, ಯೂರೋಪಿಯನರು, ಈ ರೀತಿಯಾಗಿ.

(*e.g.* nine months, etc.). If over one year, age last birthday should be entered.
(ಮಾದರಿ ಒಂಬತ್ತು ತಿಂಗಳು). ಅಥವಾ ಹೆಂಡತಿ ಬಿಟ್ಟವರು ಎಂಬುದಾಗಿ ಬರೆಯತಕ್ಕದ್ದು.

ring during or within 14 days of labour.
ದ್ದು.

a death in this Monthly Death Report and as a birth in the Monthly Birth Report.
ಹುಟ್ಟಿದ ವಿಚಾರವನ್ನು ಜನನದ ರಿಜಿಸ್ಟರಿನಲ್ಲಿಯೂ ದಾಖಲ್ಮಾಡಬೇಕು.

Date on which this Monthly Death Report was sent to the Taluk office.
ಈ ರಿಪೋರ್ಟನ್ನು ತಾಲ್ಲೂಕು ಆಫೀಸಿಗೆ ಕಳುಹಿಸಿದ ತಾರೀಖು } .....

To—The Registrar-General of Births and Deaths
through the Amildar of the Taluk.

No. 1006—*L. C., Bangalore, dated 29th November* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Juveniles Bill is published for general information with the statement of objects and reasons.

By Order,

B. K. RAMAKRISHNAIYA,
For *Secretary*,
Mysore Legislative Council.

MYSORE JUVENILES BILL.

Preamble

Whereas it is expedient to make provision for the custody, trial and punishment of youthful offenders, for the establishment and regulation of Borstal Schools, for detention and training of youthful offender, and for the protection of children and young persons in Mysore; it is hereby enacted as follows :—

PART I.

Short title and extent.

1. (*i*) This Act may be called as the "Mysore Juveniles Act 193 ."

(*ii*) The Government may, by notification, from time to time, apply the whole or any portion of this Act to children, young persons or youthful offenders or any class thereof in any local area in the State of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

Definition.

2. In this Act unless there is anything repugnant in the subject or context—

(*i*) "Child" means a person under the age of fourteen years and when used in reference to a child sent to a Borstal School applies to that child during the whole period of detention, notwithstanding that the child attains the age of fourteen years before the expiration of that period.

(*ii*) "Young person" means a person who is fourteen years of age or upwards and under the age of eighteen years.

(*iii*) "Youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment or who, having been ordered to furnish security under section 118 of the Code of Criminal Procedure, 1904, has failed to do so and who, at the time of such conviction or failing to give security, was under the age of eighteen years.

(*iv*) "Guardian" in relation to a child, young person or youthful offender includes any person, who, in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender.

(*v*) "Borstal School" shall mean a corrective institution established under the Act wherein children, young persons or youthful offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime.

(*vi*) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General.

(*vii*) "Prescribed" means prescribed by the rules under this Act.

Establishment of Borstal Schools.

3. (*i*) For the purposes of this Act, the Government may establish one or more Borstal Schools.

(*ii*) For every Borstal School, the Government shall appoint a Superintendent and a Committee of Visitors.

Rules.

4. (*i*) The Government may, from time to time, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(*ii*) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

(*a*) the control and management of Borstal Schools established under this Act,

(*b*) the appointment, powers and duties of officials in such schools,

(*c*) the constitution, powers and duties of visiting committees,

(*d*) the classification, treatment, maintenance, education, industrial training and control of the inmates,

(*e*) the temporary detention of youthful offenders until arrangements can be made for sending them to Borstal Schools,

(*f*) visits to and communication with the inmates,

(*g*) the class of persons who may be authorized under section 25 (i),

(*h*) removal of articles which are deemed to be "prohibited articles" when introduced without due authority,

(*i*) the penalties to be imposed for the supply or possession of such articles when possessed or supplied without due authority,

(*j*) the punishment or offences committed by youthful offenders,

(*k*) the granting of licences for the employment of youthful offenders.

(3) All rules made under this Act shall be published in the local official Gazette and on such publication shall have effect as if enacted in this Act.

Application of the Mysore Prisoners' Testimony Act, 1894.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, Prisons Act, 1870, and the Mysore Prisoners' Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and the youthful offenders prisoners.

Courts empowered under this Act.

6. The powers conferred on courts by this Act shall be exercised only by—

(*a*) the High Court,

(*b*) a Court of Sessions,

(*c*) a District Magistrate,

(*d*) a Sub-Divisional Magistrate.

(*e*) any Magistrate of the first or second class specially empowered by the Government to exercise all or any of such powers,

(*f*) any Juvenile Court constituted under sub-section (1) of section 28

and may be exercised by such courts whether the case comes before them originally or on appeal or in revision.

7. (i) When any Magistrate not empowered to pass sentence under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings and forward the child or young person to the District Magistrate to whom he is subordinate or to the Magistrate presiding over the nearest juvenile court having jurisdiction in the case.

Procedure when Magistrate is not empowered to pass sentence under this Act.

(ii) The District Magistrate or the Magistrate presiding over the juvenile court to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such child or young person had originally been brought before him or tried by him.

PART II.

YOUTHFUL OFFENDERS.

8. Where a person apparently under the age of eighteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of a police station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless, for reason to be recorded in writing, the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

Bail of children and young persons arrested.

9. Where a person apparently under the age of eighteen years having been arrested is not released under section eight or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a court having jurisdiction under this Act.

Custody of children and young persons not discharged on bail after arrest.

10. A court on remanding or committing for trial a child or young person who is not released on bail shall order him to be detained in the prescribed manner.

Remand or committal to custody.

11. (i) Where a child or young person is charged with any offence and brought before a court having jurisdiction under this Act, his parent or guardian may in any case and shall, if he can be found and resides within a

Attendance at court of parent of child or young person charged with an offence, etc.

reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(ii) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(iii) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person: provided that if that person is not the father, the attendance of the father may also be required.

(iv) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

Power of Court to pass sentence of detention in Borstal School.

12. Where it appears to a court having jurisdiction under this Act that a youthful offender should, by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal School for a term which shall not be less than three or more than five years:

Provided that, before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Limitation on powers conferred by Section 12.

13. Any person detained in a Borstal School for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

14. The Inspector-General may, subject to rules made by the Government, if satisfied that any youthful offender undergoing transportation or imprisonment in consequence of sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal School, direct that such person shall be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal School.

Power of Inspector-General to transfer prisoners to Borstal School.

15. (i) Before passing a sentence under section 12, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

Preliminary inquiry and finding as to age of youthful offender.

(ii) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under section 12 before submitting his proceedings and forwarding an youthful offender to the District Magistrate or to the Magistrate presiding over Juvenile Court having jurisdiction in the case as required by sub-section (1) of section 7.

16. The order in pursuance of which a young person or child is sent to a Borstal School shall specify the time for which the young person or child is to be detained in the school being—

Period of detention.

(*a*) in the case of a young person not less than three and not more than five years but not in any case extending beyond the time when the young person will, in the opinion of the court, attain the age of twenty-one years.

(*b*) in the case of a child such time as the court may deem proper for the teaching and training of the child but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of seventeen years.

17. A court may, if it shall think fit, having regard to the age, character, antecedents, physical or mental condition of the offender, instead of directing any youthful offender to be detained in a Borstal School, order him to be—

Power to discharge youthful offender or to commit him to suitable curtody.

(*a*) discharged after due admonition or,

(b) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond with or without sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months, and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

Power to order parent to pay fine, etc., instead of child or young person.

18. (i) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(ii) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(iii) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

Detention in the case of certain serious crimes committed by children or young persons.

19. (i) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provision of this Act it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(ii) Notwithstanding the provisions of section 12, the Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of dealing with children and young persons charged with offences.

20. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

(*a*) by discharging the offender after due admonition; or

(*b*) by committing the offender to the custody of his parent, guardian, or any adult relative, on such parent, guardian, or relative executing a bond to be responsible for his good behaviour; or

(*c*) by so discharging or committing the offender and placing him under the supervision of a person named by the court; or

(*d*) by sending the offender to a Borstal School; or

(*e*) by ordering the offender to be whipped; or

(*f*) by ordering the offender to pay a fine; or

(*g*) by ordering the parent or guardian of the offender to pay a fine; or

(*h*) where the offender is a young person, by sentencing him to imprisonment; or

(*i*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Government to determine the Borstal School to which youthful offender shall be sent.

21. Every youthful offender directed by a court to be sent to a Borstal School shall be sent to such Borstal School as the Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such court:

Provided that, if accommodation in a Borstal School is not immediately available for such youthful offender, he may be detained in a special ward or such other suitable part of a prison as the Government may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Removal from one school to another.

22. The Inspector-General may at any time order an inmate to be removed from one Borstal School to

(ii) Any order made under this section may, from time to time, be varied by the court.

(iii) The persons liable to maintain a child or young person shall, for the purposes of sub-section (1), include in the case of illegitimacy his putative father:

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(iv) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

PART VI.

JUVENILE COURTS.

Juvenile Courts.

27. (i) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders or licences relating to a child or young person at which the attendance of the child or young person is required.

(ii) Where no such separate court has been established, the court before which a child or young person is brought shall, unless the child or young person is tried jointly with any other person, not being a child or young person whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VI.

RELEASE ON LICENCE.

Power to release on licence.

28. (i) Subject to any general or special directions of the Government, the Inspector-General, on the recommendation of the Superintendent and the Visiting Committee, may, at any time after the expiration of six

another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

Transfer of incorrigibles, etc., to prisons.

23. Where a person detained in a Borstal School is reported to the Government by the Superintendent and the Visiting Committee of such school to be incorrigible or to be exercising a bad influence on the other inmates of the School, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding—

(*a*) such unexpired residue, or

(*b*) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or

(*c*) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904,

whichever is shortest.

PART III.

CHILDREN AND YOUNG PERSONS NOT BEING YOUTHFUL OFFENDERS.

Children liable to be sent to Borstal School.

24. (i) In any area to which the Government shall direct that this section shall apply, any person authorised in this behalf in accordance with rules made by the Government may bring before a court any person apparently under the age of fourteen years who,

(*a*) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian or a parent or guardian who does not exercise proper guardianship; or

(*b*) is found destitute, not being an orphan and having both parents or his surviving parent or in the case of an illegitimate child, his mother, undergoing transportation or imprisonment; or

(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(*d*) frequents the company of any reputed thief; and the court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of

that fact, and that it is expedient so to deal with him, may order him to be sent to a Borstal School.

(ii) Where under this Act a court is empowered to order a child to be sent to a Borstal School, the court, in lieu of ordering him to be so sent, may make an order for the committal of the child to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to commit child to suitable custody.

(iii) Any police officer or other person authorised by the Government in this behalf may bring before a Court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in sub-section (1) and the court if satisfied on enquiry of that fact and that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to commit young person to care of relative or fit person in certain cases.

(iv) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

25. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a Borstal School, the court, if satisfied on enquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

Uncontrolable children

PART IV.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO BORSTAL SCHOOLS OR COMMITTED TO SUITABLE CUSTODY.

26. (i) The court which makes an order for the detention of a child in a Borstal school under section 25 or for the committal of a child or young person to suitable custody under this Act may make an order on the parent or other person liable to maintain the child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

Contribution of parent.

(ii) Any order made under this section may, from time to time, be varied by the court.

(iii) The persons liable to maintain a child or young person shall, for the purposes of sub-section (1), include in the case of illegitimacy his putative father:

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(iv) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

PART VI.

JUVENILE COURTS.

Juvenile Courts.

27. (i) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders or licences relating to a child or young person at which the attendance of the child or young person is required.

(ii) Where no such separate court has been established, the court before which a child or young person is brought shall, unless the child or young person is tried jointly with any other person, not being a child or young person whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VI.

RELEASE ON LICENCE.

Power to release on licence.

28. (i) Subject to any general or special directions of the Government, the Inspector-General, on the recommendation of the Superintendent and the Visiting Committee, may, at any time after the expiration of six

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months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life by licence permit him to be discharged from the Borstal School on condition that he be placed under the supervision or authority of any Government officer, or secular institution or person, or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him.

(ii) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired or the term for which the child or the young person was ordered to be detained in the School has expired, unless sooner revoked or forfeited.

Form of licence.

29. Every licence granted under section 28 shall be in such form and shall contain such conditions as the Government may by rules direct.

Revocation of licence.

30. Subject to any general or special directions of the Government, a licence granted under section 28 may be revoked at any time by the Inspector-General and where a licence has been revoked, the person to whom the licence related shall return to the Borstal School.

Escape and forfeiture of licence.

31. If any inmate escapes from a Borstal School or if any inmate absents on licence from a Borstal School, removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a sub-inspector of police may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return, as the case may be.

Absence under licence to be counted towards period of detention.

32. The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the School: provided that where that person has failed to return to the School on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the School.

Penalty for abetting escape of youthful offender or child.

33. Whoever—

(a) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a Borstal School to escape from the school or from any person with whom he is placed out on licence or any child or young person to escape from the person to whose custody he is committed under the provisions of this Act,

(b) knowingly harbours, conceals or prevents from returning to School, or to any person with whom he is placed out on licence or to the person to whose custody he is committed under this Act, a youthful offender, child or young person who has so escaped, or knowingly assists in so doing shall be punishable with imprisonment for a term which may extend to two months or with a fine not exceeding two hundred rupees or with both.

Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.

34. Whoever, contrary to any rule made by Government introduces or removes or attempts by any means whatever to introduce into or remove from any Borstal School, or supplies or attempts to supply outside the limits of any Borstal School to any youthful offender under order of detention therein, any prohibited article, and every officer or person in charge of a Borstal School, who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits, and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding two months or to fine not exceeding two hundred rupees or to both.

PART VII.

APPEAL AND REVISION.

Appeal and revision.

35. For purposes of appeal and revision under the Code of Criminal Procedure, 1904, a sentence of detention under section 12 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Any person affected by an order of the Inspector-General under this Act may appeal to the Government whose orders shall be final.

Appeals.

36. (i) An appeal from an order made by a court under sections 18, 24, 25 or 26 shall lie,

(*a*) if passed by a Juvenile Court or by any Magistrate other than a District Magistrate, to a District Magistrate;

(*b*) if passed by a District Magistrate, to the Court of Sessions;

(*c*) if passed by a Court of Sessions, to the High Court.

(ii) No appeal shall lie from any order passed in any such appeal.

(iii) Any order passed under the provisions of this Act and not otherwise provided for may be revised by the High Court.

PART VIII.

MISCELLANEOUS.

Discharge and transfer.

37. (i) The Government may, at any time, order a youthful offender or a child—

(*a*) to be discharged from a Borstal School either absolutely or on such conditions as the Government approves; or

(*b*) to be transferred from one Borstal School to another.

(ii) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.

Presumption and determination of age.

38. (i) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due enquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so

brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, the person shall, for the purpose of this Act, be deemed not to be a child or young person.

(ii) No court shall, in appeal or revision, interfere with any presumption or declaration as to age made under sub-section (1).

Provision as to religious persuation.

39. Where a child or young person is committed to suitable custody under this Act, the court in determining the person to whose custody the child or young person shall be committed shall endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion.

Removal of disqualification attaching to conviction for offences.

40. The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

Control of custodian over a child.

41. Any person to whose custody a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent and shall be responsible for his maintenance, and the child or young person shall continue in his custody notwithstanding that he is claimed by his parent or any other person.

Transfer of youthful offenders to Borstal Schools in British India.

42. The Government may order any youthful offender to be transferred from a Borstal School within the State to a Borstal School in British India where there is any arrangement in that behalf between the Government and the Governor-General in Council.

Bonds taken under this Act.

43. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

Procedure when youthful offender under detention in a Borstal School is again convicted and sentenced.

44. When a youthful offender during his period of detention in a Borstal School is again convicted by a criminal court, the sentence of such court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1904, but the court shall forthwith report the matter to the

Government which shall have power to deal with the matter in any way in which it thinks fit.

Notwithstanding anything to the contrary contained in any law, no child or young person shall be sentenced to death, transportation, or imprisonment, or committed to prison in default of payment of fine or in default of furnishing security:

Provided that a child or young person may be sentenced to imprisonment not exceeding ten years or committed to prison as aforesaid where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a Borstal School and that none of the other methods in which the case may legally be dealt with is suitable.

First offenders.

46. When a child or young person is convicted of an offence punishable with fine only and is sentenced to fine, the court may add a sentence of whipping in default of payment of fine unless action against his parent or guardian under sub-section (i) of section 18 is practicable.

Treatment of a child or young person.

47. (i) Whoever being the parent or guardian of any child or young person abandons, exposes, or wilfully neglects or ill treates such child or young person in a manner likely to cause unnecessary suffering or injury to the health of such child or young person shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 200 or with both.

(ii) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain any child or young person shall be deemed to neglect or ill treat him if he fails to provide him with such food, clothing, medical aid and lodging, as would, in the opinion of the court which hears the case, be suitable to his condition in life.

(iii) Nothing in this section shall be deemed to affect the right of a parent, teacher or guardian to administer reasonable punishment to a child or young person in his charge.

Encouraging begging by a child or young person

48. (i) Whoever for his own profit causes, or being the parent or guardian allows, any child or young person to beg in any public place shall be punishable with simple imprisonment for a term which may extend to three

months or with fine which may extend to Rs. 100 or with both.

(ii) The Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

Permitting any child or young person to frequent brothel.

49. Whoever being the parent or guardian of any child or young person allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

Custody of any child or young person in respect of whom an offence is committed or likely to be committed.

50. In any case in which a police officer not below the rank of a sub-inspector or a person authorised in this behalf in the prescribed manner, is of opinion that an offence under section 47 or 48 or 49 has been, or is likely to be committed in relation to any child or young person, he may cause such child or young person to be placed in safety in such manner as the Government may, by rule, prescribe: provided that such child or young person shall not, without an order of a court empowered under section 6 be detained for more than 24 hours in addition to the time necessary to produce him before such court.

Search warrant.

51. In any case in which any court empowered under section 6 has reason to believe that an offence under section 47 or 48 or 49 has been or is likely to be committed in relation to any child or young person within its jurisdiction, the court may cause the production of such child or young person by a search warrant and the provisions of the Code of Criminal Procedure, 1904, shall apply to such warrant as if it were under section 100 of the said Code.

Bond by parent or guardian.

52. (i) If any court empowered under section 6 after such enquiry as the court thinks reasonable is of opinion that any child or young person is allowed by the parent or guardian to be in circumstances conducive to the commission of an offence under section 47 or 48 or 49, the court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offence in relation to such child or young person and in default of his furnishing such security, the court may order him to suffer simple imprisonment for a term which may

extend to six months or to pay a fine which may extend to Rs. 100.

(ii) The provisions of sections 513, 514, 514-A and 516 of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this section.

Power to make custody order or send any child or young person to Borstal School.

53. Where the parent or guardian of any child or young person is convicted of an offence under section 47 or 48 or 49 or under Chapter XVI of the Indian Penal Code, 1860, in relation to such child or young person, the court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such child or young person to send him to a Borstal School as if he were dealt with under Part II.

Statement of Objects and Reasons.

The question of having a Borstal School in the State has been under the consideration of Government for some time past. A Committee was constituted in 1936 to examine the desirability and feasibility of starting an institution of the kind and to suggest the legislation necessary to give effect to their proposals. The Committee forwarded their report in March 1937. The Committee considered it desirable that young offenders should be provided with a place of detention other than the ordinary jail so that they may be reformed. They also forwarded the draft of the necessary legislation. The recommendations of the Committee were published for the information of the public and opinions invited.

The Bill deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad association or other reasons, need protection and training. "Child" is defined as a person under the age of 14 years and, 'young person" as one between 14 and 18 years. A person under the age of 18 years convicted of an offence punishable with transportation or imprisonment may, if the court considers it desirable to detain the youthful offender under instruction and discipline most conducive for his reformation, order his detention in a Borstal School. The Inspector-General of Prisons may, subject to rules framed by Government, direct that any youthful offender undergoing transporation or imprisonment shall be

transferred to a Borstal School. The minimum period of detention in a Borstal School is fixed at three years and the maximum five years. Provision is also made for the discharge after due admonition, or committal to the custody of the parent or guardian, of a youthful offender instead of committal to a Borstal School. Before taking such action the person's age, character and antecedents will be considered. Where a person detained in a Borstal School is reported to be incorrigible, the unexpired portion of the term of his detention may be commuted to imprisonment. Children who are found wandering without a home or associating with any reputed thief or whose parents or guardians are unfit to have their care, may be brought before the Court which may order them to be sent to a Borstal School or committed to suitable custody. Provision is made for the establishment of juvenile courts for dealing with charges against juveniles.

Provision is also made for the release of an inmate of a Borstal School on licence, provided he is placed under the supervision of a suitable person or institution willing to take charge of him.

In the interest of the well-being of children and the proper development of their character, provision is made for the punishment of offences against children such as ill-treatment or encouraging them to beg or allowing them to frequent brothels.

The management and control of the Borstal School and the training, educational and industrial, to be given therein and the control of the inmates will be prescribed by rules under the Act.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 48.

BANGALORE, THURSDAY, DECEMBER 8, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1631—*R. T*, 7-38-7, *dated Bangalore, 30th November* 1938.

The following draft rule which the Government propose to make, in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, is hereby published for the information of persons likely to be affected thereby and any suggestions or objections received on or before 15th December 1938, in respect of the said draft, will be considered by Government, before issuing the rule finally:—

DRAFT RULE.

Add the following between Rule 41 (ii) and (iii) as Rule 41 (ii) (*a*) of the Rules regarding public service motor vehicles as amended from time to time:—

"41 (ii) (*a*). Upon sufficient cause being shown, a duplicate conductor's pass may be issued at any time on

payment of a fee of four annas. The word 'Duplicate' should be clearly shown in red ink across a duplicate pass, and a photograph of the conductor should be attached thereto, as provided in the previous sub-rule."

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

No. G. 5400—*P. H.* 73-37-7, *dated Bangalore,*
1st December 1938.

Under Section 20 of the Mysore Registration of Births and Deaths Act, III of 1918, Government are pleased to issue the following rules for the working of the said Act in the rural areas of Bangalore and Shimoga Districts.

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

Rules under the Mysore Births and Deaths Registration Act, III of 1918.

Registrar-General of Births and Deaths.

1. In these rules, the Registrar-General of Births and Deaths means the Director of Public Health to the Government of Mysore for the time being.

Particulars regarding dead bodies found exposed to be reported by the Police.

2. In cases of the discovery of dead bodies, whether of newly born children or otherwise, it shall be the duty of the Police Station Officer within whose jurisdiction any such body is found, to report to the Registrar such particulars as are available for the purpose of the entries to be made in the register of deaths, as well as, in the case of the bodies of newly born children, in the register of births.

(*iii*) "Youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment or who, having been ordered to furnish security under section 118 of the Code of Criminal Procedure, 1904, has failed to do so and who, at the time of such conviction or failing to give security, was under the age of eighteen years.

(*iv*) "Guardian" in relation to a child, young person or youthful offender includes any person, who, in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender.

(*v*) "Borstal School" shall mean a corrective institution established under the Act wherein children, young persons or youthful offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime.

(*vi*) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General.

(*vii*) "Prescribed" means prescribed by the rules under this Act.

Establishment of Borstal Schools.

3. (*i*) For the purposes of this Act, the Government may establish one or more Borstal Schools.

(*ii*) For every Borstal School, the Government shall appoint a Superintendent and a Committee of Visitors.

Rules.

4. (*i*) The Government may, from time to time, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(*ii*) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

(*a*) the control and management of Borstal Schools established under this Act,

(*b*) the appointment, powers and duties of officials in such schools,

(*c*) the constitution, powers and duties of visiting committees,

(*d*) the classification, treatment, maintenance, education, industrial training and control of the inmates,

(*e*) the temporary detention of youthful offenders until arrangements can be made for sending them to Borstal Schools,

(*f*) visits to and communication with the inmates,

(*g*) the class of persons who may be authorized under section 25 (i),

(*h*) removal of articles which are deemed to be "prohibited articles" when introduced without due authority,

(*i*) the penalties to be imposed for the supply or possession of such articles when possessed or supplied without due authority,

(*j*) the punishment or offences committed by youthful offenders,

(*k*) the granting of licences for the employment of youthful offenders.

(3) All rules made under this Act shall be published in the local official Gazette and on such publication shall have effect as if enacted in this Act.

Application of the Mysore Prisoners' Testimony Act, 1894.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, Prisons Act, 1870, and the Mysore Prisoners' Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and the youthful offenders prisoners.

Courts empowered under this Act.

6. The powers conferred on courts by this Act shall be exercised only by—

(*a*) the High Court,

(*b*) a Court of Sessions,

(*c*) a District Magistrate,

(*d*) a Sub-Divisional Magistrate.

(*e*) any Magistrate of the first or second class specially empowered by the Government to exercise all or any of such powers,

(*f*) any Juvenile Court constituted under sub-section (1) of section 28

and may be exercised by such courts whether the case comes before them originally or on appeal or in revision.

7. (i) When any Magistrate not empowered to pass sentence under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings and forward the child or young person to the District Magistrate to whom he is subordinate or to the Magistrate presiding over the nearest juvenile court having jurisdiction in the case.

Procedure when Magistrate is not empowered to pass sentence under this Act.

(ii) The District Magistrate or the Magistrate presiding over the juvenile court to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such child or young person had originally been brought before him or tried by him.

PART II.

YOUTHFUL OFFENDERS.

8. Where a person apparently under the age of eighteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of a police station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless, for reason to be recorded in writing, the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

Bail of children and young persons arrested.

9. Where a person apparently under the age of eighteen years having been arrested is not released under section eight or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a court having jurisdiction under this Act.

Custody of children and young persons not discharged on bail after arrest.

10. A court on remanding or committing for trial a child or young person who is not released on bail shall order him to be detained in the prescribed manner.

Remand or committal to custody.

11. (i) Where a child or young person is charged with any offence and brought before a court having jurisdiction under this Act, his parent or guardian may in any case and shall, if he can be found and resides within a

Attendance at court of parent of child or young person charged with an offence, etc.

reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(ii) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(iii) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person: provided that if that person is not the father, the attendance of the father may also be required.

(iv) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

Power of Court to pass sentence of detention in Borstal School.

12. Where it appears to a court having jurisdiction under this Act that a youthful offender should, by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal School for a term which shall not be less than three or more than five years:

Provided that, before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Limitation on powers conferred by Section 12.

13. Any person detained in a Borstal School for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

14. The Inspector-General may, subject to rules made by the Government, if satisfied that any youthful offender undergoing transportation or imprisonment in consequence of sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal School, direct that such person shall be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal School.

Power of Inspector-General to transfer prisoners to Borstal School.

15. (i) Before passing a sentence under section 12, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

Preliminary inquiry and finding as to age of youthful offender.

(ii) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under section 12 before submitting his proceedings and forwarding an youthful offender to the District Magistrate or to the Magistrate presiding over Juvenile Court having jurisdiction in the case as required by sub-section (1) of section 7.

16. The order in pursuance of which a young person or child is sent to a Borstal School shall specify the time for which the young person or child is to be detained in the school being—

Period of detention.

(*a*) in the case of a young person not less than three and not more than five years but not in any case extending beyond the time when the young person will, in the opinion of the court, attain the age of twenty-one years.

(*b*) in the case of a child such time as the court may deem proper for the teaching and training of the child but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of seventeen years.

17. A court may, if it shall think fit, having regard to the age, character, antecedents, physical or mental condition of the offender, instead of directing any youthful offender to be detained in a Borstal School, order him to be—

Power to discharge youthful offender or to commit him to suitable curtody.

(*a*) discharged after due admonition or,

(*b*) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond with or without sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months, and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

Power to order parent to pay fine, etc., instead of child or young person.

18. (i) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(ii) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(iii) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

Detention in the case of certain serious crimes committed by children or young persons.

19. (i) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provision of this Act it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(ii) Notwithstanding the provisions of section 12, the Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of dealing with children and young persons charged with offences.

20. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

(*a*) by discharging the offender after due admonition; or

(*b*) by committing the offender to the custody of his parent, guardian, or any adult relative, on such parent, guardian, or relative executing a bond to be responsible for his good behaviour; or

(*c*) by so discharging or committing the offender and placing him under the supervision of a person named by the court; or

(*d*) by sending the offender to a Borstal School; or

(*e*) by ordering the offender to be whipped; or

(*f*) by ordering the offender to pay a fine; or

(*g*) by ordering the parent or guardian of the offender to pay a fine; or

(*h*) where the offender is a young person, by sentencing him to imprisonment; or

(*i*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Government to determine the Borstal School to which youthful offender shall be sent.

21. Every youthful offender directed by a court to be sent to a Borstal School shall be sent to such Borstal School as the Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such court:

Provided that, if accommodation in a Borstal School is not immediately available for such youthful offender, he may be detained in a special ward or such other suitable part of a prison as the Government may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Removal from one school to another.

22. The Inspector-General may at any time order an inmate to be removed from one Borstal School to

another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

Transfer of incorrigibles, etc., to prisons.

23. Where a person detained in a Borstal School is reported to the Government by the Superintendent and the Visiting Committee of such school to be incorrigible or to be exercising a bad influence on the other inmates of the School, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding—

(*a*) such unexpired residue, or

(*b*) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or

(*c*) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904,

whichever is shortest.

PART III.

CHILDREN AND YOUNG PERSONS NOT BEING YOUTHFUL OFFENDERS.

Children liable to be sent to Borstal School.

24. (i) In any area to which the Government shall direct that this section shall apply, any person authorised in this behalf in accordance with rules made by the Government may bring before a court any person apparently under the age of fourteen years who,

(*a*) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian or a parent or guardian who does not exercise proper guardianship; or

(*b*) is found destitute, not being an orphan and having both parents or his surviving parent or in the case of an illegitimate child, his mother, undergoing transportation or imprisonment; or

(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(*d*) frequents the company of any reputed thief; and the court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of

that fact, and that it is expedient so to deal with him, may order him to be sent to a Borstal School.

(ii) Where under this Act a court is empowered to order a child to be sent to a Borstal School, the court, in lieu of ordering him to be so sent, may make an order for the committal of the child to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to commit child to suitable custody.

(iii) Any police officer or other person authorised by the Government in this behalf may bring before a Court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in sub-section (1) and the court if satisfied on enquiry of that fact and that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to commit young person to care of relative or fit person in certain cases.

(iv) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

25. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a Borstal School, the court, if satisfied on enquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

Uncontrolable children.

PART IV.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO BORSTAL SCHOOLS OR COMMITTED TO SUITABLE CUSTODY.

26. (i) The court which makes an order for the detention of a child in a Borstal school under section 25 or for the committal of a child or young person to suitable custody under this Act may make an order on the parent or other person liable to maintain the child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

Contribution of parent.

(ii) Any order made under this section may, from time to time, be varied by the court.

(iii) The persons liable to maintain a child or young person shall, for the purposes of sub-section (1), include in the case of illegitimacy his putative father:

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(iv) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

PART VI.

JUVENILE COURTS.

Juvenile Courts.

27. (i) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders or licences relating to a child or young person at which the attendance of the child or young person is required.

(ii) Where no such separate court has been established, the court before which a child or young person is brought shall, unless the child or young person is tried jointly with any other person, not being a child or young person whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VI.

RELEASE ON LICENCE.

Power to release on licence.

28. (i) Subject to any general or special directions of the Government, the Inspector-General, on the recommendation of the Superintendent and the Visiting Committee, may, at any time after the expiration of six

months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life by licence permit him to be discharged from the Borstal School on condition that he be placed under the supervision or authority of any Government officer, or secular institution or person, or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him.

(ii) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired or the term for which the child or the young person was ordered to be detained in the School has expired, unless sooner revoked or forfeited.

Form of licence.

29. Every licence granted under section 28 shall be in such form and shall contain such conditions as the Government may by rules direct.

Revocation of licence.

30. Subject to any general or special directions of the Government, a licence granted under section 28 may be revoked at any time by the Inspector-General and where a licence has been revoked, the person to whom the licence related shall return to the Borstal School.

Escape and forfeiture of licence.

31. If any inmate escapes from a Borstal School or if any inmate absents on licence from a Borstal School, removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a sub-inspector of police may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return, as the case may be.

Absence under licence to be counted towards period of detention.

32. The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the School: provided that where that person has failed to return to the School on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the School.

Penalty for abetting escape of youthful offender or child.

33. Whoever—

(*a*) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a Borstal School to escape from the school or from any person with whom he is placed out on licence or any child or young person to escape from the person to whose custody he is committed under the provisions of this Act,

(*b*) knowingly harbours, conceals or prevents from returning to School, or to any person with whom he is placed out on licence or to the person to whose custody he is committed under this Act, a youthful offender, child or young person who has so escaped, or knowingly assists in so doing shall be punishable with imprisonment for a term which may extend to two months or with a fine not exceeding two hundred rupees or with both.

Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.

34. Whoever, contrary to any rule made by Government introduces or removes or attempts by any means whatever to introduce into or remove from any Borstal School, or supplies or attempts to supply outside the limits of any Borstal School to any youthful offender under order of detention therein, any prohibited article, and every officer or person in charge of a Borstal School, who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits, and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding two months or to fine not exceeding two hundred rupees or to both.

PART VII.

APPEAL AND REVISION.

Appeal and revision.

35. For purposes of appeal and revision under the Code of Criminal Procedure, 1904, a sentence of detention under section 12 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Any person affected by an order of the Inspector-General under this Act may appeal to the Government whose orders shall be final.

Appeals.

36. (i) An appeal from an order made by a court under sections 18, 24, 25 or 26 shall lie,

(a) if passed by a Juvenile Court or by any Magistrate other than a District Magistrate, to a District Magistrate;

(b) if passed by a District Magistrate, to the Court of Sessions;

(c) if passed by a Court of Sessions, to the High Court.

(ii) No appeal shall lie from any order passed in any such appeal.

(iii) Any order passed under the provisions of this Act and not otherwise provided for may be revised by the High Court.

PART VIII.

MISCELLANEOUS.

Discharge and transfer.

37. (i) The Government may, at any time, order a youthful offender or a child—

(a) to be discharged from a Borstal School either absolutely or on such conditions as the Government approves; or

(b) to be transferred from one Borstal School to another.

(ii) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.

Presumption and determination of age.

38. (i) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due enquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so

brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, the person shall, for the purpose of this Act, be deemed not to be a child or young person.

(ii) No court shall, in appeal or revision, interfere with any presumption or declaration as to age made under sub-section (1).

Provision as to religious persuation.

39. Where a child or young person is committed to suitable custody under this Act, the court in determining the person to whose custody the child or young person shall be committed shall endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion.

Removal of disqualification attaching to conviction for offences.

40. The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

Control of custodian over a child.

41. Any person to whose custody a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent and shall be responsible for his maintenance, and the child or young person shall continue in his custody notwithstanding that he is claimed by his parent or any other person.

Transfer of youthful offenders to Borstal Schools in British India.

42. The Government may order any youthful offender to be transferred from a Borstal School within the State to a Borstal School in British India where there is any arrangement in that behalf between the Government and the Governor-General in Council.

Bonds taken under this Act.

43. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

Procedure when youthful offender under detention in a Borstal School is again convicted and sentenced.

44. When a youthful offender during his period of detention in a Borstal School is again convicted by a criminal court, the sentence of such court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1904, but the court shall forthwith report the matter to the

Government which shall have power to deal with the matter in any way in which it thinks fit.

Notwithstanding anything to the contrary contained in any law, no child or young person shall be sentenced to death, transportation, or imprisonment, or committed to prison in default of payment of fine or in default of furnishing security:

Provided that a child or young person may be sentenced to imprisonment not exceeding ten years or committed to prison as aforesaid where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a Borstal School and that none of the other methods in which the case may legally be dealt with is suitable.

First offenders.

46. When a child or young person is convicted of an offence punishable with fine only and is sentenced to fine, the court may add a sentence of whipping in default of payment of fine unless action against his parent or guardian under sub-section (i) of section 18 is practicable.

Treatment of a child or young person.

47. (i) Whoever being the parent or guardian of any child or young person abandons, exposes, or wilfully neglects or ill treates such child or young person in a manner likely to cause unnecessary suffering or injury to the health of such child or young person shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 200 or with both.

(ii) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain any child or young person shall be deemed to neglect or ill treat him if he fails to provide him with such food, clothing, medical aid and lodging, as would, in the opinion of the court which hears the case, be suitable to his condition in life.

(iii) Nothing in this section shall be deemed to affect the right of a parent, teacher or guardian to administer reasonable punishment to a child or young person in his charge.

Encouraging begging by a child or young person.

48. (i) Whoever for his own profit causes, or being parent or guardian allows, any child or young person in any public place shall be punishable with simple onment for a term which may extend to three

months or with fine which may extend to Rs. 100 or with both.

(ii) The Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

Permitting any child or young person to frequent brothel.

49. Whoever being the parent or guardian of any child or young person allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

Custody of any child or young person in respect of whom an offence is committed or likely to be committed.

50. In any case in which a police officer not below the rank of a sub-inspector or a person authorised in this behalf in the prescribed manner, is of opinion that an offence under section 47 or 48 or 49 has been, or is likely to be committed in relation to any child or young person, he may cause such child or young person to be placed in safety in such manner as the Government may, by rule, prescribe: provided that such child or young person shall not, without an order of a court empowered under section 6 be detained for more than 24 hours in addition to the time necessary to produce him before such court.

Search warrant.

51. In any case in which any court empowered under section 6 has reason to believe that an offence under section 47 or 48 or 49 has been or is likely to be committed in relation to any child or young person within its jurisdiction, the court may cause the production of such child or young person by a search warrant and the provisions of the Code of Criminal Procedure, 1904, shall apply to such warrant as if it were under section 100 of the said Code.

Bond by parent or guardian.

52. (i) If any court empowered under section 6 after such enquiry as the court thinks reasonable is of opinion that any child or young person is allowed by the parent or guardian to be in circumstances conducive to the commission of an offence under section 47 or 48 or 49, the court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any su[illegible] offence in relation to such child or young person an[illegible] default of his furnishing such security, the court may [illegible] him to suffer simple imprisonment for a term whic[illegible]

extend to six months or to pay a fine which may extend to Rs. 100.

(ii) The provisions of sections 513, 514, 514-A and 516 of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this section.

Power to make custody order or send any child or young person to Borstal School.

53. Where the parent or guardian of any child or young person is convicted of an offence under section 47 or 48 or 49 or under Chapter XVI of the Indian Penal Code, 1860, in relation to such child or young person, the court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such child or young person to send him to a Borstal School as if he were dealt with under Part II.

Statement of Objects and Reasons.

The question of having a Borstal School in the State has been under the consideration of Government for some time past. A Committee was constituted in 1936 to examine the desirability and feasibility of starting an institution of the kind and to suggest the legislation necessary to give effect to their proposals. The Committee forwarded their report in March 1937. The Committee considered it desirable that young offenders should be provided with a place of detention other than the ordinary jail so that they may be reformed. They also forwarded the draft of the necessary legislation. The recommendations of the Committee were published for the information of the public and opinions invited.

The Bill deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad association or other reasons, need protection and training. "Child" is defined as a person under the age of 14 years and, 'young person" as one between 14 and 18 years. A person under the age of 18 years convicted of an offence punishable with transportation or imprisonment may, if the court considers it desirable to detain the youthful offender under instruction and discipline most conducive for his reformation, order his detention in a Borstal School. The Inspector-General of Prisons may, subject to rules framed by Government, direct that any youthful offender undergoing transporation or imprisonment shall be

transferred to a Borstal School. The minimum period of detention in a Borstal School is fixed at three years and the maximum five years. Provision is also made for the discharge after due admonition, or committal to the custody of the parent or guardian, of a youthful offender instead of committal to a Borstal School. Before taking such action the person's age, character and antecedents will be considered. Where a person detained in a Borstal School is reported to be incorrigible, the unexpired portion of the term of his detention may be commuted to imprisonment. Children who are found wandering without a home or associating with any reputed thief or whose parents or guardians are unfit to have their care, may be brought before the Court which may order them to be sent to a Borstal School or committed to suitable custody. Provision is made for the establishment of juvenile courts for dealing with charges against juveniles.

Provision is also made for the release of an inmate of a Borstal School on licence, provided he is placed under the supervision of a suitable person or institution willing to take charge of him.

In the interest of the well-being of children and the proper development of their character, provision is made for the punishment of offences against children such as ill treatment or encouraging them to beg or allowing them to frequent brothels.

The management and control of the Borstal School and the training, educational and industrial, to be given therein and the control of the inmates will be prescribed by rules under the Act.

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 49.

BANGALORE, THURSDAY, DECEMBER 15, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1755—*R. T.* 10-37-69, *dated Bangalore, 9th December* 1938.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, to Rule 21 (4) of the Mysore Motor Vehicles Rules, 1924, as amended from time to time is published for the information of persons likely to be affected thereby and any suggestions or objections received in respect of the said draft on or before 22nd January 1939 will be considered by Government before issuing the rule finally.

Draft Amendment.

Substitute the words "the District Magistrate" for the words "duly constituted authority" in Sub-rule (4) of Rule 21 of the aforesaid rules:—

The Sub-rule after amendment will read as follows:—

(4) "No motor vehicle shall be driven on any foot-path or in any street or public place where the use of such is prohibited by the District Magistrate."

No. T. 1728—*R. T.* 7-38-8, *dated Bangalore, the 9th December* 1938.

In exercise of the powers conferred on them by Sections 4 and 33 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 1 of the Rules issued with Notification No. P. 3418—Legis. 46-35, dated 25th November 1935, as amended from time to time, the draft amendment in the said behalf having been published with Notification No. T. 1565—R. T. 7-38-5, dated 25th November 1938 at page 351, Part IV of the *Mysore Gazette* dated 1st December 1938.

Amendment.

Under *Ex-officio* Members, for "one of the Members of Council" in Rule 1 of the abovesaid Rules, substitute "Secretary to Government, Electrical Department, and Advisor to Government in Railway matters", and omit the word "Chairman" in brackets.

Below the end of *Ex-officio* Members, add: "The Government may appoint one of the *Ex-officio* Members as Chairman of the Board."

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

No. 1021—L. C. Bangalore, dated the 7th December 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Village Panchayet Act is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,
Mysore Legislative Council.

Regd. No. M.—1175.

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The Mysore Gazette

Vol. 73.] PUBLISHED BY AUTHORITY. [No. 50.

BANGALORE, THURSDAY, DECEMBER 22, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1863—*R. T.* 38-38-2, *dated Bangalore,*
17*th December* 1938.

In exercise of the powers conferred on them by Section 13 of the Mysore Road Traffic and Taxes Act VI of 1935 as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct that in respect of the motor mail van bearing number Mys. 7540 running in Mysore City, only half the amount of Road Tax, ordinarily payable under the rules be collected during the term of the existing contract between the owner of the said vehicle and the Postal Department.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No. D. 5358—*J. S.* 14-38-6, *dated Bangalore,* 13*th December* 1938.

In exercise of the powers vested in them unde Section 144 (2) of the Mysore Companies Act, XVIII o 1938, the Government of His Highness the Maharaja o Mysore are pleased to publish for general information th following amendment to Rule 1 of the Rules for the gran of certificates to Auditors of Companies:

Any suggestions for additions, alterations or omissions etc., to the proposed amendment, by persons or bodie likely to be affected by the rule, may be forwarded to th Secretary to the Government, Development Department within one month from the date of publication of thi Notification in the *Mysore Gazette.*

Any suggestions received after the due date will no receive consideration.

"1 (i) The Government may, upon the receipt o an application in this behalf from any person who is no below 21 years of age, and (*a*) who has satisfied a tes recognised by the Government as sufficient for the pur pose of the rule, or, (*b*) who has at least five years practical training in auditing accounts, and who ca satisfy the Government as to his competency, grant to an such person a certificate entitling the holder thereof t act as an Auditor of Companies.

"(ii) For the purpose of Clause (*a*) of the abov sub-rule the followings hall be recognised as sufficient tests

"(*a*) Tests prescribed in Part II of the Auditor' Certificates Rules of the Government of India issued wit Notification (Registration of Accountants) No. 213 (i T. & E. (A. B.), dated 26th March 1932 as amended fro time to time.

"(*b*) Membership of any of the following institute and societies :—

1. The Institute of Chartered Accountants i England and Wales.
2. The Society of Incorporated Accountants an Auditors, London.
3. The Society of Accountants in Edinburgh.
4. The Institute of Accountants and Actuaries i Glasgow.
5. The Society of Accountants in Aberdeen, and
6. The Institute of Chartered Accountants i Ireland.

"(c) Holding the Government Diploma in Accountancy awarded on the recommendation of the Accountancy Diploma Board, Bombay."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Development Department
(in charge.)

No. D. 5538—G. S. 14-38-16, dated Bangalore, the 17th December 1938.

In exercise of the powers vested in Government under Section 44 (2) (g) of the Mysore Co-operative Societies Act VII of 1918 as amended from time to time, the following amendment to clause 8 of rule 32 of the rules in respect of the filling up of vacancies on the Board of Directors of the Mysore Provincial Co-operative Apex Bank, Ltd., is published for general information.

Any suggestions or objections to the proposed rule may be forwarded to the Secretary to Government, Local Self-Government Department, within one month from the date of publication of the notification in the *Mysore Gazette* after which the draft rule will be taken up for consideration.

Any suggestion received after the due date will not receive consideration.

"Any vacancy occurring in the Office of the President or other Directors (excepting those nominated by Government under clause 3 above), by death, resignation or any other cause shall be filled up for the unexpired term of their office by the remaining members of the Board in such a way that the number of representatives of the preference shareholders and of urban and rural societies is in conformity with clause 4 above, the election of the President being subject to the approval of Government."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

No. 1030—*L. C., Bangalore, dated the* 10*th December* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Money Lenders' Bill is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

THE MONEY LENDERS' BILL.

Whereas it is expedient to regulate and control the transactions of money lending; it is hereby enacted as follows:—

CHAPTER I.

Preliminary.

tle. 1. (1) This Act may be called the Mysore Money Lenders' Act, 193

ion. (2) The Government may, by notification in the official Gazette, apply all or any of the provisions of this Act to any local area or to any class of money lenders from such date as may be specified in the notification and may also by a like notification exclude from the operation of this Act any local area or exempt any money lender or class of money lenders or any class of loans from the operation of all or any of the provisions of this Act.

ons. 2. In this Act unless there is anything repugnant in the subject or context:—

(1) "Court" includes a Court acting in the exercise of insolvency jurisdiction;

(2) "Interest" includes any sum by whatsoever name called in excess of the principal paid or payable to a money lender in consideration of or otherwise in respect of a loan, but does not include any sum lawfully charged in accordance with the provisions of this Act or any other law for the time being in force by a money lender for or on account of costs, charges or expenses;

(3) "Loan" means an advance whether of money or in kind on interest made by a money lender and includes any transaction which in the opinion of the court is in substance a loan;

(4) "Money Lender" means an individual or an undivided Hindu family or an unincorporated body of individuals or body corporate incorporated under any law in Mysore or outside Mysore, or a body which stands to any such body corporate in the relation of a subsidiary body and includes assignees and the legal representative of the money lender, who or which—

(i) carries on the business of money lending in the State; or

(ii) has his or its principal place of such business in the State;

and includes a pawn-broker;

(5) "Money lending business" or "Business of money lending" means the business of advancing loans either solely or in common with any business;

(6) "Pawn-broker" means a person who carries on the business of taking goods and chattels in pawn for a loan;

(7) "Pawnor" means a person delivering an article for pawn to a pawn-broker;

(8) "Prescribed" means prescribed by rules made under this Act;

(9) "Principal" means in relation to a loan the amount actually lent to the debtor;

(10) "Register" means a register of money lenders maintained under section 4; and

(11) "Registrar" means the registrar of money lenders appointed under section 3.

(12) "Secured loan" means a loan for which the money lender holds a mortgage, charge or lein on the property of the debtor or any part thereof as a security for that loan;

(13) "Unsecured loan" means any loan other than a secured loan.

CHAPTER II.

Registration and Licensing of Money Lenders.

3. The Government may appoint registrars of money lenders for the purpose of this Act and may define

Appointment of Registrars.

the local areas within which each registrar shall exercise his powers and perform his duties.

Register of money lenders.

4. The registrar shall maintain a register of money lenders in such form as may be prescribed.

Application for registration.

5. Every money lender shall apply in writing to the registrar for the area in which the principal place of business of such money lender is situated or in which he intends to carry on the business of money lending, to be registered as a money lender. The application shall contain such particulars as may be prescribed. On receipt of such application the registrar shall register the name of the applicant in the register unless disqualified under section 19. Any such person ceasing to carry on the business of money lending may, on application to the said authority, get his name struck off from the register.

Duration of registration.

6. A registration of a money lender shall be valid for three years from the date of registration but may be renewed from time to time. If renewed it shall have effect for three years from the date of the renewal.

Licence.

7. Every money lender whose name has been registered and to whom this section is made applicable shall annually take out a licence from the registrar on payment of the prescribed fee in such form and subject to such conditions as may be prescribed for carrying on the business of money lending.

Licence to be annual.

8. A licence granted under section 7, shall, unless sooner cancelled, be in force for one year from the date on which it is granted.

CHAPTER III.

Regulation of Accounts.

Duty to keep accounts.

9. Every money lender shall in respect of every loan advanced by him after the commencement of this Act and every transaction made by him after the commencement of this Act relating to any loan advanced by him before the commencement of this Act, regularly record and maintain or cause to be recorded and maintained an account in such form, language, script and numerals as the Government may prescribe.

Receipt to be given.

10. Every money lender shall, at the time of payment, give to the debtor or his agent for the sum paid by him or on his behalf, a receipt duly signed and if necessary stamped.

Furnishing statement of account.

11. (1) Every money lender shall, on demand made in writing by the debtor at any time during the period when the loan or any part thereof has not been repaid, on payment of the prescribed fee, furnish to the debtor or if he so requires to any person mentioned by him in that behalf, a statement of account in the prescribed form and showing the amount which remains outstanding on account of the principal and of interest:

Provided that where a money lender has complied with the demand the debtor shall not make a further demand for a statement of account in respect of the same loan within a period of six months from the date of such compliance.

(2) A person to whom a statement of account has been furnished under sub-section (1) shall not be bound to acknowledge or deny its correctness and his failure to object to the correctness of the account shall not by itself be deemed to be an admission of the correctness of such account.

Duty of pawn-brokers to keep accounts.

12. (1) Every pawn-broker shall regularly record and maintain an account in which in addition to the particulars contained in the form prescribed under section 9, the following particulars are recorded, namely:—

(*a*) a full and detailed description of the article or of each of the articles taken in pawn,

(*b*) the name of the pawnor and where the pawnor is not the owner of the article or of any of the articles pawned, the name and address of the owner thereof.

(2) A true copy of the entries in such account shall be delivered by the pawn-broker to the pawnor at the time of the pawn on tender of the prescribed fee.

Inspection by Registrar

13. (1) The registrar may inspect or cause to be inspected by any officer subordinate to him the accounts required to be maintained by a money lender under this Act.

(2) The money lender shall be bound to produce all books of account for inspection.

(3) If from such an inspection it appears that such money lender has committed any offence under this Act, the registrar may cause proceedings to be instituted against him in the court having jurisdiction.

CHAPTER IV.

Provisions relating to suits in respect of loans.

The maximum rates of interest to be decreed.

14. Notwithstanding anything contained in any law for the time being in force, no court shall in any suit brought in respect of a loan advanced after the commencement of this Act, pass a decree for interest at rates exceeding 9 per centum per annum in the case of a secured loan and 12 per centum per annum in the case of an unsecured loan.

Maximum rate of compound interest.

15. No money lender shall recover by suit interest of any kind at a rate exceeding 6 per centum per annum in respect of any loan made after the commencement of this Act under a contract which provides for the payment of compound interest.

What is excessive interest under Usurious Loans Act.

16. Where the interest charged is in excess of the rates prescribed as maximum in sections 14 and 15, the court shall presume for the purpose of section 3 of the Usurious Loans Act that the interest charged is excessive and that the transaction was substantially unfair.

Arrears of interest not to exceed principal.

17. No court shall, in respect of a loan advanced before or after the commencement of this Act, decree on account of arrears of interest, a sum greater than the principal of the original loan.

Penalty for non-compliance with section 9 or section 12.

18. Notwithstanding anything contained in any enactment for the time being in force, (*a*) if in any suit or proceeding relating to a loan the court finds that the provisions of section 9 or section 12 have not been complied with by the money lender it may, if the plaintiff's claim is established, in whole or in part, disallow the whole or any portion of the interest found due, as may seem reasonable to it in the circumstances of the case and may disallow costs;

(*b*) if the money lender to whom a demand has been made under section 11 fails without reasonable excuse to comply therewith within one month after the demand has been made, the court shall disallow interest for the period of default.

CHAPTER V.

Penalties.

Court's power to suspend or cancel licence.

19. (1) Where in any suit brought in respect of a loan by a money lender, the court is of opinion that the

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ol. 73.] PUBLISHED BY AUTHORITY. [No. 50.

BANGALORE, THURSDAY, DECEMBER 22, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1863—*R. T.* 38-38-2, *dated Bangalore,*
17*th December* 1938.

In exercise of the powers conferred on them by ction 13 of the Mysore Road Traffic and Taxes Act VI 1935 as amended by Act IX of 1936, the Government His Highness the Maharaja are pleased to direct that respect of the motor mail van bearing number Mys. 0 running in Mysore City, only half the amount of ad Tax, ordinarily payable under the rules be collected ing the term of the existing contract between the ner of the said vehicle and the Postal Department.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No. D. 5358—J. S. 14-38-6, dated Bangalore, 13th December 1938.

In exercise of the powers vested in them und Section 144 (2) of the Mysore Companies Act, XVIII. 1938, the Government of His Highness the Maharaja Mysore are pleased to publish for general information tl following amendment to Rule 1 of the Rules for the gra of certificates to Auditors of Companies:

Any suggestions for additions, alterations or omission etc., to the proposed amendment, by persons or bodi likely to be affected by the rule, may be forwarded to tl Secretary to the Government, Development Departmer within one month from the date of publication of th Notification in the *Mysore Gazette*.

Any suggestions received after the due date will n receive consideration.

"1 (i) The Government may, upon the receipt an application in this behalf from any person who is n below 21 years of age, and (*a*) who has satisfied a te recognised by the Government as sufficient for the pu pose of the rule, or, (*b*) who has at least five yea practical training in auditing accounts, and who c satisfy the Government as to his competency, grant to a such person a certificate entitling the holder thereof act as an Auditor of Companies.

"(ii) For the purpose of Clause (*a*) of the abo sub-rule the followings hall be recognised as sufficient tes

"(*a*) Tests prescribed in Part II of the Audito Certificates Rules of the Government of India issued wi Notification, (Registration of Accountants) No. 213 (T. & E. (A. B.), dated 26th March 1932 as amended fr time to time.

"(*b*) Membership of any of the following institut and societies :—

1. The Institute of Chartered Accountants England and Wales.
2. The Society of Incorporated Accountants a Auditors, London.
3. The Society of Accountants in Edinburgh.
4. The Institute of Accountants and Actuaries Glasgow.
5. The Society of Accountants in Aberdeen, an
6. The Institute of Chartered Accountants Ireland.

"(c) Holding the Government Diploma in Accountancy awarded on the recommendation of the Accountancy Diploma Board, Bombay."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Development Department
(in charge.)

No: D. 5538—G. S. 14-38-16, dated Bangalore, the 17th December 1938.

In exercise of the powers vested in Government der Section 44 (2) (g) of the Mysore Co-operative cieties Act VII of 1918 as amended from time to time, e following amendment to clause 8 of rule 32 of the es in respect of the filling up of vacancies on the Board Directors of the Mysore Provincial Co-operative Apex nk, Ltd., is published for general information.

Any suggestions or objections to the proposed rule y be forwarded to the Secretary to Government, Local f-Government Department, within one month from the e of publication of the notification in the *Mysore Gazette* er which the draft rule will be taken up for considera-n.

Any suggestion received after the due date will not eive consideration.

"Any vacancy occurring in the Office of the sident or other Directors (excepting those nominated Government under clause 3 above), by death, resigion or any other cause, shall be filled up for the xpired term of their office by the remaining members he Board in such a way that the number of represenves of the preference shareholders and of urban and l societies is in conformity with clause 4 above, the tion of the President being subject to the approval of ernment."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

No. 1030—*L. C., Bangalore, dated the* 10*th December* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Money Lenders' Bill is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

THE MONEY LENDERS' BILL.

Whereas it is expedient to regulate and control the transactions of money lending; it is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Title. 1. (1) This Act may be called the Mysore Mone Lenders' Act, 193

cation. (2) The Government may, by notification in t official Gazette, apply all or any of the provisions of th Act to any local area or to any class of money lende from such date as may be specified in the notification an may also by a like notification exclude from the operatio of this Act any local area or exempt any money lender c class of money lenders or any class of loans from th operation of all or any of the provisions of this Act.

itions. 2. In this Act unless there is anything repugnant i the subject or context:—

(1) "Court" includes a Court acting in the exe— cise of insolvency jurisdiction;

(2) "Interest" includes any sum by whatsoeve name called in excess of the principal paid or payable to money lender in consideration of or otherwise in respec of a loan, but does not include any sum lawfully charge in accordance with the provisions of this Act or any oth— law for the time being in force by a money lender for on account of costs, charges or expenses;

5-57, *dated Bangalore,*
ember 1936.

powers conferred upon them by
sore Motor Vehicles Regulation, 1928,
of His Highness the Maharaja are
e the following amendment to Rule 16 of
Motor Vehicles Rules, 1924, as amended from
ne, the draft amendment in the said behalf
been published with Notification No. P. 1246,
17th August 1936, at page 402 of Part IV of the
ore Gazette, dated 20th August 1936.

For Sub-Rule (iii) of Rule 16 of the Mysore Motor Vehicles Rules, 1924, the following rule shall be substituted :—

"16. (iii) The fee payable in respect of the grant or renewal of Driving Licenses shall be as follows :—

		Rs.
(i) For the grant of a new License	...	5
(ii) For the renewal of a License :—		
(*a*) if presented for renewal before the date of expiry of its validity	...	3
(*b*) if not presented within the date of the said expiry of validity	...	5

This will come into force on and from the 11th September 1936.

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.